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FEDERAL REGISTER

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List of CFR Parts Affected

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

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

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show that the position of Confidential Assistant (Economic Utilization Policy) to the Director, Defense Supply Agency, is no longer excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (4–27–72), paragraph (d) of § 213.3306 is revoked.

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

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

[FR Doc.72–6474 Filed 4–26–72;8:52 am]

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that the position of Director, Office of Minerals and Solid Fuels, is no longer excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (4–27–72), subparagraph (16) of paragraph (a) of § 213.3312 is revoked.

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

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

[FR Doc.72–6473 Filed 4–26–72;8:52 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER E—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS OTHER THAN THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

PART 295—REGULATIONS UNDER THE POISON PREVENTION PACKAGING ACT OF 1970

Child Protection Packaging Standards for Preparations Subject to the Comprehensive Drug Abuse Prevention and Control Act of 1970

In the FEDERAL REGISTER of October 15, 1971 (36 F.R. 20046), the Commissioner of Food and Drugs proposed child protection packaging standards for substances subject to the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91–513; 84 Stat. 1236 et seq.; 21 U.S.C. 801 et seq.). The 30-day period allowed for comments thereon was extended to January 19, 1972, by subsequent notices (36 F.R. 21832, 25235).

Thirteen comments were received in response. The principal points raised and the Commissioner's conclusions are as follows:

A. *Support with suggestions.* 1. A consumer interest group supports the proposal but recommends adoption of a broader regulation to require child protection packaging for all potentially toxic prescription and nonprescription drugs. Such an approach is presently being considered and will be the subject of future proposals.

2. The American Academy of Pediatrics supports the proposal but recommends that it include a statement of the intent of the Poison Prevention Packaging Act of 1970 regarding the noncomplying package exemption for prescribed drugs. The Commissioner concludes that this is unnecessary because section 4(b) of the act clearly indicates that prescribed drugs requiring special packaging can be dispensed in noncomplying packages only by order of a medical practitioner licensed to prescribe or upon request by the purchaser.

B. *Effectiveness specifications.* A packaging development firm suggests that child-resistant effectiveness greater than 85–90 percent and approaching 100 percent be required to prevent a child from obtaining a toxic or harmful amount of contents. The firm objects to packaging being called "special packaging" on the basis solely of closures which if opened by a child allow access to the entire contents of the package. The Commissioner concludes that to require 100 percent child resistance is prohibited by section 2(4) of the act. If experience with special packaging demonstrates a need for changing the effectiveness specifications, such changes may be made if the resulting special packaging is technically feasible, practicable, and appropriate. Although § 295.10 *Testing procedure for special packaging* (21 CFR 295.10; 36 F.R. 22151, 37 F.R. 741) provides for testing special packaging of unit package type, section 3(d) of the act expressly prohibits prescribing specific packaging designs in establishing special packaging standards.

C. *Noncomplying package.* A State pharmaceutical association objects to the requirement that a pharmacist must dispense prescribed drugs in special packaging unless otherwise directed by the prescribing licensed practitioner or upon request of the purchaser. The association suggests that a prescribed drug be dispensed in a noncomplying package at the discretion of the pharmacist as well as under the above two conditions (stated in section 4(b) of the act) because older citizens are unable to use the special packaging. The Commissioner concludes that section 4(b) of the act provides the only conditions by which prescribed drugs can be dispensed in noncomplying packages and that there is no statutory authority to permit a pharmacist to dispense prescribed drugs in noncomplying packages at his discretion.

D. *Applicability.* 1. A pharmaceutical trade association suggests that the standards should not apply to those drugs containing controlled substances in combination with noncontrolled substances which vitiate the potential for abuse and therefore are exempt from the Comprehensive Drug Abuse Prevention and Control Act of 1970. The Commissioner disagrees because a finding that a combination drug is exempt from that act due to vitiation of potential for abuse does not necessarily mean that the drug is not potentially injurious if accidentally ingested by children under 5 years of age. For example, a number of preparations exempt from control by regulations promulgated under that act contain aspirin, and the Commissioner has found that aspirin-containing preparations, a leading cause of fatalities and hospitalizations of children under 5 years of age, must be specially packaged (36 F.R. 17512). The Commissioner concludes that to protect children from serious personal injury or serious illness special packaging is required for any preparation consisting in whole or in part of any substance subject to control under the Comprehensive Drug Abuse Prevention and Control Act of 1970.

2. Three pharmaceutical manufacturers and a pharmaceutical trade association object to the statement in proposed § 295.2(a)(4) that controlled substances in dosage forms customarily consumed, used, or stored in or about the household shall be specially packaged. They contend that as written the statement could be considered to require that even bulk shipments be in special packaging if the preparations are in dosage form suitable for use in the household. In response to these comments the regulation has been changed for clarification. (See paragraph G below for further discussion of the subject of nonconsumer packages.)

3. Two pharmaceutical manufacturers recommend that the standards apply only to those controlled drugs which most readily lend themselves to child abuse or which have great inherent danger and the greatest frequency of use in and around the household where children are present. Since all drugs subject to control under the Comprehensive Drug

Abuse Prevention and Control Act of 1970 are potentially injurious if accidentally ingested by children, the Commissioner concludes that special packaging is required for all such drugs to protect children from serious personal injury or serious illness.

E. *Technically feasible, practicable, and appropriate.* Three pharmaceutical manufacturers and one pharmaceutical trade association question the technical feasibility, practicability, and appropriateness of the proposed special packaging. Also, the trade association requests that the Commissioner publish the reasons for his finding in this matter as required by section 3(c) of the Poison Prevention Packaging Act of 1970. On the basis of reports and data from industry and other relevant information, the Commissioner finds that the special packaging required herein is:

1. Technically feasible because technology exists to produce special packaging conforming to these standards. At least 15 different special packages have been tested in accordance with § 295.10 that meet or exceed the child-resistant effectiveness and adult-use effectiveness specifications in § 295.3(b).

2. Practicable in that it is susceptible to modern mass production and assembly line techniques. Reported production data indicate a capability adequate to meet the needs of affected industries.

3. Appropriate since the special packaging is not detrimental to the integrity of the subject substances and will not interfere with their storage or use.

No comments were received concerning the finding made by the Commissioner pursuant to section 3(a)(1) of the act, and the finding is hereby confirmed.

F. *Sample packages.* A pharmaceutical manufacturer and a pharmaceutical trade association object to proposed § 295.2(b) which would require the submission of sample packages. The manufacturer objects that it will require an inordinate number of packages from any one manufacturer, and the association objects that the act does not specifically provide for submission of samples. The Commissioner concludes that this requirement is necessary to accomplish the purposes of the act and will assist in determining whether a substance offered by a manufacturer or packer in a noncomplying package is also being supplied by such manufacturer or packer in popular size packages complying with the standards. Section 295.2(b), which was promulgated in the final order for special packaging of aspirin preparations (Feb. 16, 1972; 37 F.R. 3427), was modified to reduce the number of packages that must be submitted by each manufacturer or packer.

G. *Nonconsumer packages.* Seven pharmaceutical manufacturers and a pharmaceutical trade association variously request that the standards not apply to bulk shipments of pharmaceuticals, to packages of prescription drugs larger than the normal prescription size, to unit packaged drugs for institutional use and those distributed as physicians samples, and to drugs being investigated in outpatient clinical trials, and that the standards establish pharmacists' responsibility for distributing prescription drugs in special packaging. The Commissioner concludes that the person who places a household substance subject to these standards into a container or package must determine if that container is in fact a package in which the substance may be delivered to the consumer for use or storage in the household. If it is not, these standards do not apply. The responsibility, however, for repackaging prescribed drugs in accordance with these standards rests with the individual dispensing such substances at the retail or user level.

H. *Supplemental new-drug applications.* Approved new-drug applications (NDA's) are in effect for some controlled drugs that are subject to the new-drug provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and the regulations thereunder (21 CFR Part 130). A pharmaceutical manufacturer and a trade association request that provision be made for manufacturers or packers of these drugs to implement use of special packaging complying with the standards prior to receiving approval of supplemental new-drug applications submitted to provide for such packaging changes. Since packaging changes may be significant variations in the approved NDA, the Commissioner concludes that implementation of special packaging prior to approval of a supplemental NDA is not appropriate. However, the processing of such applications will be expedited by FDA to facilitate implementation of the child protection packaging standards.

I. *Conflicting requirements.* A pharmaceutical manufacturer comments that the proposed standards are incompatible with various sealing techniques employed to comply with the requirement of the Comprehensive Drug Abuse Prevention and Control Act of 1970 that containers of certain controlled substances be securely sealed (21 U.S.C. 825(d), 21 CFR 302.07). The manufacturer requests that a determination be made as to which requirement takes precedence at the pharmaceutical manufacturer's level. The Commissioner, after consultation with the Bureau of Narcotics and Dangerous Drugs, concludes that the abovenamed act does not preclude a pharmaceutical manufacturer from changing sealing techniques to be adaptable to special packaging which will be required by these standards and that compliance with both statutes is required.

J. *Effective date.* Three pharmaceutical manufacturers and one pharmaceutical trade association express concern over the effective date of the proposed standards in light of the length of time required to obtain suitable special packaging, to conduct stability and compatibility tests, and to modify production lines to utilize the special packaging. One manufacturer requests an effective date of at least 9 months after publication of this order in the FEDERAL REGISTER. Another manufacturer and the trade association request an effective date of 1 year after publication. The trade association also states that compliance with the proposed standards within 1 year will be impossible for some of the products involved and requests procedure for deferring application of the standards to such products. The Commissioner concludes that a period of 180 days is a necessary, reasonable, and sufficient time to allow affected persons to achieve full compliance with these standards. A sufficient amount of special packaging for controlled drugs is not presently available to permit an effective date of less than 180 days.

K. *Exemptions.* A pharmaceutical trade association and a pharmaceutical manufacturer recommend that dosage forms or packages that are not involved in child poisonings be exempted from these standards by a general regulation. Specifically, they name vials, disposable syringes, aerosols, ointments, ampoules, powders, and suppositories. The legislative history of the Poison Prevention Packaging Act of 1970 indicates that exemptions from special packaging standards may be granted, and the preamble to the document promulgating § 295.10 (published Nov. 20, 1971; 36 F.R. 22151) indicates that the Commissioner is prepared to grant individual exemptions. A request for exemption must be directed in writing to the Commissioner, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852, and must furnish reasonable grounds therefor, including, but not limited to, available human experience data, relevant experimental data, toxicity information, product and packaging specifications, labeling, marketing history, and the justification for the exemption. If the request furnishes reasonable grounds therefor, the Commissioner will publish in the FEDERAL REGISTER a proposal to amend the standards. Following such publication the proceedings shall be the same as prescribed by section 5 of the act.

Therefore, having considered the comments received and other relevant material, the Commissioner concludes that the proposal, with changes, should be adopted as set forth below. Accordingly, pursuant to provisions of the Poison Prevention Packaging Act of 1970 (secs. 2(4), 3, 5, 84 Stat. 1670–72; 15 U.S.C. 1471–74) and under authority delegated to the Commissioner (21 CFR 2.120), a new subparagraph (4) is added to § 295.2(a) as follows (§§ 295.2 and 295.3 were promulgated in the FEDERAL REGISTER of Feb. 16, 1972; 37 F.R. 3427):

§ 295.2 Substances requiring "special packaging."

(a) *Substances.* The Commissioner of Food and Drugs has determined that the degree or nature of the hazard to children in the availability of the following substances, by reason of their packaging, is such that special packaging is required to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting such substances, and that the special packaging herein required is technically feasible, practicable, and appropriate for these substances:

* * * * *

(4) *Controlled drugs.* Any preparation consisting in whole or in part of any substance subject to control under the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801 et. seq.) shall be packaged in accordance with the provisions of § 295.3 (a), (b), and (c).

* * * * *

Effective date. This order shall become effective 180 days after its date of publication in the FEDERAL REGISTER.

(Secs. 2(4), 3, 5, 84 Stat. 1670–72; 15 U.S.C. 1471–74)

Dated: April 21, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–6488 Filed 4–26–72;8:52 am]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 81—INSPECTION OF POULTRY AND POULTRY PRODUCTS

Introduction of Oil and Water Base Solutions

On November 19, 1971, there was published in the FEDERAL REGISTER (36 F.R. 22053) an amendment to the regulations governing the inspection of poultry and poultry products (7 CFR Part 81) pertaining to the preparation and labeling of certain raw poultry products that are processed with solutions. The amendment was based on information and data submitted by interested persons in response to the notice of proposed rulemaking published in the FEDERAL REGISTER on October 8, 1970 (35 F.R. 15817), and other available information. The amendment provides for the introduction of 3 percent of a specified solution for basting or other product improvement purposes in the thick muscles (breast and legs) of ready-to-cook whole poultry carcasses, separate poultry parts therefrom and poultry roasts, including chunked and formed products.

On the basis of the comments, opinions and views submitted in response to the October 8, 1970, notice, it did not appear that further public rulemaking procedure on the amendment would make additional information available to the Department. Accordingly, it was determined that further proceedings were impracticable and unnecessary, and the amendment was made effective 90 days after publication in the November 19, 1971, FEDERAL REGISTER.

However, comments received by the Department since said amendment of the regulations was published indicate that further study should be directed to the circumstances associated with raw poultry roasts and especially to such items that are processed with solutions. It appears from the comments that some persons did not previously supply significant information and data that they have and which is related to the ready-to-cook poultry roasts made with and without solutions. Such comments indicate that the requirements with respect to poultry roasts could prevent the production of poultry roasts since the prescribed liquid addition rate may be inadequate for the satisfactory production of the roasts.

Under the circumstances, the Department considers it necessary that opportunities be provided for the submission and review of such pertinent information and that, in the interim, the regulations be amended to delete poultry roasts, including chunked and formed products, from the requirements of § 81.134(c)(7).

Therefore, § 81.134(c)(7)(i) is amended to read:

§ 81.134 **Product specifications for labeling purposes.**

* * * * *

(c) * * *

(7) Ready-to-cook poultry products to which solutions are added.

(i) Butter alone, or solutions of poultry broth, poultry stock, water, or edible fats, or mixtures thereof, in which are included functional substances such as spices, flavor enhancers, emulsifiers, phosphates, coloring materials, or other substances, approved by the Administrator in specific cases, may be introduced by injection into the thick muscles (breast and legs) of ready-to-cook poultry carcasses and may be introduced by injection or marinating into any separate bone-in part therefrom for the purpose of providing a basting medium or similar function. The ingredients of the added materials and the manner of addition to the products must be found acceptable by the Administrator in all cases. The introduction of the added materials shall increase the weight of the processed product by approximately 3 percent over the weight of the raw product after washing and chilling in compliance with § 81.50. The weight of the added materials introduced into the poultry products as provided in this subparagraph shall be included as part of the weight of the poultry for purposes of the net weight labeling provisions in § 81.130(a)(3).

* * * * *

(Sec. 8(b), 82 Stat. 799, 21 U.S.C. 457; sec. 14, 71 Stat. 447, as amended, 21 U.S.C. 463; 37 F.R. 6327)

The comments received indicate sufficient reason why requirements with respect to introduction of solutions into ready-to-cook poultry roasts should be further reviewed to make certain they are properly prepared and labeled. To insure a minimum of processing disruptions during the period required for a thorough review and so poultry roast products with familiar characteristics are available to consumers, the amendment described above should be implemented at the earliest date. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this amendment is impracticable and good cause is found for making the amendment effective less than 30 days after its publication in the FEDERAL REGISTER.

Effective date. The foregoing amendment shall become effective upon publication hereof in the FEDERAL REGISTER (4–27–72).

Done at Washington, D.C., on April 17, 1972.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.72–6423 Filed 4–26–72;8:48 am]

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

[Navel Orange Reg. 266]

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

Limitation of Handling

§ 907.566 **Navel Orange Regulation 266.**

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period

specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 25, 1972.

(b) *Order.* (1) The respective quantaties of Navel oranges grown in Arizona and designated part of California which may be handled during the period April 28, 1972, through May 4, 1972, are hereby fixed as follows:

(i) District 1: 924,000 cartons.

(ii) District 2: 176,000 cartons.

(iii) District 3: Unlimited.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: April 26, 1972.

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

[FR Doc.72–6558 Filed 4–26–72;11:20 am]

[Valencia Orange Reg. 389]

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

Limitation of Handling

§ 908.689 Valencia Orange Regulation 389.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 25, 1972.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period April 28, 1972, through May 4, 1972, are hereby fixed as follows:

(i) District 1: 22,451 cartons;

(ii) District 2: 77,578 cartons;

(iii) District 3: 200,000 cartons.

(2) As used in this section, "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: April 26, 1972.

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

[FR Doc.72–6559 Filed 4–26–72;11:20 am]

Title 50—WILDLIFE AND FISHERIES

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

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Montezuma National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (4–27–72).

§ 28.28 Special regulations, public access, use, and recreation, for individual wildlife refuge areas.

NEW YORK

MONTEZUMA NATIONAL WILDLIFE REFUGE

Travel by motor vehicle or on foot is permitted on designated travel routes for the purpose of nature study, photography, and sightseeing during daylight hours. Pets are allowed if on a leash not over 10 feet in length. Picnicking is permitted in designated areas where facilities are provided. Fishing and hunting under special regulations may be permitted on parts of the refuge.

The refuge area, comprising 6,344 acres, is delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement, the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1972.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

APRIL 20, 1972.

[FR Doc.72–6412 Filed 4–26–72;8:48 am]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 72–476]

PART 528—NONDISCRIMINATION REQUIREMENTS

APRIL 21, 1972.

Resolved that, notice and public procedure having been afforded (37 F.R. 811) 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 Subchapter B of Chapter V of Title 12, CFR, for the purpose of prohibiting discrimination by member institutions in their lending and employment practices and in their advertising and requiring that such institutions display an Equal Housing Lender Poster. Accordingly, the Federal Home Loan Bank Board hereby amends said Subchapter B by adding thereto a new Part 528 to read as follows, effective May 1, 1972:

Sec.

AUTHORITY: The provisions of this Part 528 issued under title VIII, Public Law 90-284, 82 Stat. 81, 42 U.S.C. 3601-3619; 16 Stat. 144, 14 Stat. 27, 42 U.S.C. 1981, 1982; E.O. 11063, 27 F.R. 11527; title VII, Public Law 88-352, 78 Stat. 253, 42 U.S.C. 2000e—2000e-15; E.O. 11246, 30 F.R. 12319; sec. 17, 47 Stat. 736, as amended, 12 U.S.C. 1437; secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended: 12 U.S.C. 1725, 1726, 1730; 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.

§ 528.1 Definitions.

As used in this Part 528—

(a) *Member institution.* The term "member institution" means any institution which is a member of a Federal Home Loan Bank, other than:

(1) A savings bank whose deposits are insured by the Federal Deposit Insurance Corporation,

(2) An insurance company, or

(3) The Federal Home Loan Mortgage Corporation.

(b) *Dwelling.* The term "dwelling" means any building, structure, or portion thereof, including a mobile home, which is occupied as, or designed or intended for occupancy as a residence by one or more families, and any vacant land which is offered for sale or lease for the construction thereon of any such building, structure, or portion thereof.

§ 528.2 Nondiscrimination in lending and other services.

No member institution shall deny a loan or other service rendered by the member institution for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or discriminate in the fixing of the amount, interest rate, duration, application procedures, collection or enforcement procedures, or other terms or conditions of such loan or other service because of the race, color, religion, or national origin of

(a) An applicant for any such loan or any other service rendered by the member institution;

(b) Any person associated with such applicant in connection with such loan or other service or the purposes of such loan or other service;

(c) The present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other service is to be made or given; or

(d) The present or prospective owners, lessees, tenants, or occupants of other dwellings in the vicinity of the dwelling or dwellings in relation to which such loan or other service is to be made or given.

§ 528.3 Nondiscrimination in applications.

No member institution shall refuse or decline to allow, receive, or consider any application, request, or inquiry with respect to a loan or other service rendered by the member for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or discriminate in the imposition of conditions upon, or in the processing of, any such application, request, or inquiry, or make statements which discourage any such application, request, or inquiry because of the race, color, religion, or national origin of any prospective borrower or other person who

(a) Makes application for any such loan or other service;

(b) Requests forms or papers to be used to make application for any such loan or other service; or

(c) Inquires about the availability of such loan or other service.

§ 528.4 Nondiscriminatory advertising.

No member institution which directly or through third parties engages in any form of advertising shall use words, phrases, symbols, directions, forms, or models in such advertising which imply or suggest a policy of discrimination or exclusion in violation of the provisions of title VIII of the Civil Rights Act of 1968. To the extent feasible, as prescribed by the Board, advertisements other than for savings shall include a facsimile of the following logotype and legend:

EQUAL HOUSING LENDER

§ 528.5 Equal Housing Lender Poster.

(a) Each member institution shall post and maintain one or more Equal Housing Lender Posters, the text of which is prescribed in paragraph (b) of this section, in the lobby of each of its offices in a prominent place or places readily apparent to all persons seeking loans. The poster shall be at least 11 by 14 inches in size, and the text shall be easily legible. It is recommended that member institutions post a Spanish language version of the poster in offices serving areas with a substantial Spanish-speaking population.

(b) The text of the Equal Housing Lender Poster shall be as follows:

WE DO BUSINESS IN ACCORDANCE WITH THE FEDERAL "FAIR HOUSING LAW"

IT IS ILLEGAL, because of race, color, religion, or national origin, to:

Deny a loan for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling

or

Discriminate in fixing of the amount, interest rate, duration, application procedures or other terms or conditions of such a loan.

If you believe you have been discriminated against, you may discuss the matter with the management of this institution or send a complaint to:

Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development, Washington, D.C. 20410.

or call your local HUD or FHA office.

§ 528.6 [Reserved]

§ 528.7 Nondiscrimination in employment.

(a) No member institution shall, because of an individual's race, color, religion, sex, or national origin:

(1) Fail or refuse to hire such individual;

(2) Discharge such individual;

(3) Otherwise discriminate against such individual with respect to such individual's compensation, promotion, or the terms, conditions, or privileges of such individual's employment; or

(4) Discriminate in admission to, or employment in, any program of apprenticeship, training, or retraining, including on-the-job training.

(b) No member institution shall limit, segregate, or classify its employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect such individual's status as an employee because of such individual's race, color, religion, sex, or national origin.

(c) No member institution shall discriminate against any employee or applicant for employment because such employee or applicant has opposed any employment practice made unlawful by Federal, State, or local law or regulation or because he has in good faith made a charge of such practice or testified, assisted, or participated in any manner in an investigation, proceeding, or hearing of such practice by any lawfully constituted authority.

(d) No member institution shall print or publish or cause to be printed or published any notice or advertisement relating to employment by such member institution indicating any preference, limitation, specification, or discrimination based on race, color, religion, sex, or national origin.

(e) This regulation shall not apply in any case in which the Federal Equal Employment Opportunities law is made inapplicable by the provisions of section 2000e-1 or sections 2000e-2 (e) through (j) of title 42, United States Code.

(f) Any violation of the Department of the Treasury regulations, 41 CFR, Subpart 10-12.8—Equal Opportunity in Employment, as amended from time to time, by a member institution subject to such regulations shall be deemed to be a violation of this Part 528.

§ 528.8 Complaints.

Complaints regarding discrimination in lending by a member institution should be referred to the Assistant Secretary for Equal Opportunity, U.S. Department of Housing and Urban Development, Washington, D.C. 20410. Complaints regarding discrimination in employment by a member institution should be referred to the Equal Employment Opportunity Commission, Washington, D.C. 20506.

Resolved further that, since the above amendment must be effective by May 1, 1972, in order to effectuate a waiver granted by the Assistant Secretary for Equal Opportunity of the Department of Housing and Urban Development under 24 CFR 110.25(b) (37 F.R. 3430), publication for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of the amendment is impracticable; and the Board hereby provides that the amendment shall become effective as hereinbefore set forth.

Resolved further that the Board, in adopting the above amendment, which is only a part of the published regulatory proposal (37 F.R. 811), determined to defer final consideration of § 528.6 of said published proposal pending further staff study of comments received and consultation with the other financial regulatory agencies.

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.72-6377 Filed 4-26-72;8:45 am]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 11, Amdt. 4]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Business for Sales of Government Property

On February 25, 1972, there was published in the FEDERAL REGISTER (37 F.R. 3993) a notice that the Administrator of the Small Business Administration proposed to amend the definition of a small business for the purpose of sales to other than manufacturers and stockpile purchasers, of Government-owned personal property. More specifically it was proposed to lower the size standard in question from $5 million in average annual receipts to $1 million in average annual receipts.

Interested parties were given 30 days in which to submit written statements of facts, opinions, and arguments concerning the proposal.

On the basis of all the information available it has been determined to adopt the proposal. Accordingly, Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended by revising § 121.3-9(a)(2) to read as follows:

§ 121.3-9 Definition of small business for sales of Government property.

* * * * *

(a) * * *

(2) Other than manufacturers. Any concern which is primarily not a manufacturer (except as specified in subparagraph (3) of this paragraph) is small if its average annual receipts for its preceding three (3) fiscal years do not exceed $1 million.

* * * * *

Effective date: This amendment shall become effective thirty days after publication in the FEDERAL REGISTER.

Dated: April 20, 1972.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.72-6388 Filed 4-26-72; 8:46 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 72-SW-10, Amdt. 39-1437]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Models 206A and 206B Helicopters

A proposal was published in 32 F.R. 4721 to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring an inspection of the reinforcing straps, P/N 206-031-200-23 and 24 for proper fit and for cracks and loose rivets and requiring an inspection of the support fittings, P/N 206-031-202-1 and 3, for cracks and loose rivets. It was also proposed to require replacement of a cracked strap, loose rivets or a cracked support fitting, and to require a 50-hour repetitive inspection for poorly fitted straps on Bell Model 206A and 206B helicopters.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No comments were received. The manufacturer recently revised Service Bulletin No. 206-20 to add item 8, a procedure for replacing a cracked support fitting. It was initially proposed to require the replacement of a cracked support; however, no specific procedure was provided. Item 8 of the revised service bulletin is considered a satisfactory procedure for such replacement and is recognized as an alternate means of compliance with the applicable paragraph of the A.D. Therefore, notice and public procedure hereon of this change is considered unnecessary, and the amendment may be made effective in 30 days.

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

BELL. Applies to Bell Models 206A and 206B helicopters, serial numbers 204, 210, 218, 221, 226, 227, 231, 236, 237, 241, 243, 246, 248, 254, 256, 257, 260, 261, 262, 267, 268, 272, 275, 278, 279, 282, 283, 288, 296, 299, 303, 345, 350, 351, 352, 358 thru 362, 368, 382 thru 395, 397 thru 497, 499 thru 654, 656 thru 689, 693, 694, 697, 698, 701, 715 thru 725, 727, 728, 730, 733, 734, 735, 738, 742, and 744, certificated in all categories.

Compliance required within 25 hours' time in service after the effective date of this A.D., unless already accomplished within the last 25 hours, and thereafter at intervals not to exceed 50 hours' time in service from the last inspection.

To detect cracks in the straps, P/N 206-031-200-23 and 24, and mating support fitting, P/N 206-031-202-1 and 3 and to determine proper fit of these straps to the support fitting and to the upper cabin roof beam, accomplish the following:

(a) Remove the interior lining at the upper cabin roof beam from station 90 to station 115 and remove any residue sealant on the straps on both sides of the roof beam bottom surface.

(b) Inspect the 10 high shear rivets, P/N NAS 1054, in each strap for looseness and inspect the remaining rivets in the strap and support fitting for looseness. If five or more high-shear rivets are loose, replace the rivets prior to next flight. If one to four high-shear rivets or other rivets in the strap or support fitting are loose, the aircraft may be flown only to a repair base in accordance with FAR 21.197 where these rivets must be replaced prior to the next flight.

(c) Inspect straps, P/N 206-031-200-23 and 24 for deformation and lateral location in accordance with items 3 and 4 of Bell Helicopter Company Service Bulletin No. 206-20 dated December 10, 1971 (hereinafter referred to as SB 206-20) or later approved revision. If the strap is deformed or mislocated in excess of that specified in items 3 or 4 of SB 206-20, the strap must be additionally inspected for cracks as specified in item 5 of SB 206-20.

(1) If both fingers on either strap are cracked, replace the strap in accordance with item 7 of SB 206-20 or later approved revision, prior to next flight.

(2) If either strap has a detectable crack, replace the strap in accordance with item 7 of SB 206-20 or later approved revision. The aircraft may be flown only to a base in accordance with FAR 21.197 where the strap must be replaced prior to the next flight.

(d) If cracks are found in the straps, inspect the left and right support fittings, P/N 206-031-202-1 and 3 for cracks in the area around the six rivets which go into the box beam and inboard radii areas just forward and aft of these rivets, using a dye penetrant or equivalent inspection method. If cracks are found in support fitting, replace the fitting and its strap in accordance with items 7 and 8 of Service Bulletin No. 206-20, Revision A, dated February 21, 1972 or later approved revision, prior to next flight.

(e) The repetitive inspections specified in this A.D. will no longer be required,

(1) If the strap is not deformed or mislocated in excess of that specified in items 3 and 4 of SB 206-20 or later approved revision, or

(2) After the strap has been replaced in accordance with item 7 of SB 206-20 or later approved revision.

(f) Equivalent means of compliance with this A.D. may be approved by the Chief, Engineering and Manufacturing Branch, Southwest Region, FAA, Post Office Box 1689, Fort Worth, TX 76101.

This amendment becomes effective May 27, 1972.

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

Issued in Fort Worth, Tex., on April 17, 1972.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.72-6405 Filed 4-26-72;8:47 am]

[Airspace Docket No. 72-AL-8]

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

Alteration of Federal Airway Segment and Reporting Point

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to realign Red 39 Federal airway segment between McGrath, Alaska, and Nenana, Alaska; and alter the Minchumina, Alaska, reporting point from compulsory to on request.

The Minchumina radio range is scheduled to be converted to a radio beacon effective June 22, 1972. Associated with this facility conversion, action is taken herein to redescribe the segment of Red 39 airway which is presently described by use of the Minchumina facility. In addition, it has been determined that the Minchumina facility is no longer required as a compulsory reporting point, but should be retained as an on-request reporting point.

Since these amendments are minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 22, 1972, as hereinafter set forth.

1. In § 71.107 (37 F.R. 2008) In R-39 "Minchumina, Alaska, RR;" is deleted and "Minchumina, Alaska, RBN;" is substituted therefor.

2. In § 71.211 (37 F.R. 2323) "Minchumina, Alaska, RR" is deleted.

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

Issued in Washington, D.C., on April 20, 1972.

ROBERT S. CARNAHAN,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-6398 Filed 4-26-72;8:47 am]

[Airspace Docket No. 71-GL-35]

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

Alteration of Control Zone and Transition Area

On page 1408 of the FEDERAL REGISTER dated January 28, 1972, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of the Federal Aviation regulations so as to alter the control zone and transition area at Hibbing, Minn.

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendments.

No objections have been received and the amendments as so proposed are hereby adopted, subject to the following change:

Line 4 of the Hibbing, Minn., transition area description recited as "tude 47°23'18" N., longitude 92°50'19" W.);" is changed to read "tude 47°23'10" N., longitude 92°50'19" W.);".

This amendment shall be effective 0901 G.m.t., June 22, 1972.

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

Issued in Des Plaines, Ill., on April 6, 1972.

HAROLD W. POGGEMEYER,
Acting Director, Great Lakes Region.

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

HIBBING, MINN.

That airspace within a 5-mile radius of Chisholm-Hibbing Airport (latitude 47°23'-10" N., longitude 92°50'15" W.); within 2 miles each side of the Hibbing VORTAC 313° radial extending from the 5-mile radius zone to 15 miles northwest of the VORTAC; within 1½ miles each side of the Hibbing VORTAC 313° radial extending from the 5-mile radius zone to the VORTAC.

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

HIBBING, MINN.

That airspace extending upward from 700 feet above the surface within an 11½-mile radius of the Chisholm-Hibbing Airport (latitude 47°23'10" N., longitude 92°50'19" W.); within 3 miles each side of the Hibbing VORTAC 313° radial, extending from the 11½-mile radius area to 23 miles northwest of the VORTAC; within an 11-mile radius of Eveleth-Virginia Airport (latitude 47°25'-55" N., longitude 92°30'03" W.); and within 9½ miles north and 4½ miles south of the Eveleth VOR 092° radial, extending from the 11-mile radius area to 18½ miles east of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 27-mile radius of the Hibbing VORTAC, extending from the Hibbing VORTAC 196° radial clockwise to the Hibbing VORTAC 340° radial; within a 13-mile radius of Hibbing VORTAC extending from the Hibbing VORTAC 095° radial clockwise to the Hibbing VORTAC 196° radial; within 4½ miles northeast and 9½ miles southwest of the Hibbing VORTAC 313° radial, extending from the 27-mile radius area to 33½ miles northwest of the VORTAC, excluding the portion which overlies the Duluth, Minn. transition area.

[FR Doc.72-6396 Filed 4-26-72;8:47 am]

[Airspace Docket No. 72-SW-11]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Laredo, Tex., control zone.

On February 29, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 4218) stating the Federal Aviation Administration proposed to alter the Laredo, Tex., control zone.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 22, 1972, as hereinafter set forth.

In § 71.171 (37 F.R. 2056), the Laredo, Tex., control zone is amended by deleting "to 16 miles northwest of VORTAC, within 2 miles each side of the Laredo VORTAC 149°" and substituting therefor "to 16 miles northwest of the VORTAC; within 2 miles each side of the Laredo ILS localizer northwest course extending from the ILS localizer site (latitude 27°36'12.6" N., longitude 99°35'50.2" W.) to 7 miles northwest; within 2 miles each side of the VORTAC 149°."

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

Issued in Fort Worth, Tex., on April 18, 1972.

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

[FR Doc.72-6395 Filed 4-26-72;8:46 am]

[Airspace Docket No. 72-EA-11]

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

Alteration of Control Zone

On page 5256 of the FEDERAL REGISTER for March 11, 1972, the Federal Aviation Administration published proposed regulations which would alter the Martinsburg, W. Va., control zone (37 F.R. 2104).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t. June 22, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), of Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on April 14, 1972.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Martinsburg, W. Va., control zone and insert the following in lieu thereof:

Within a 5.5-mile radius of the center 39°24'03" N., 77°59'09" W. of Martinsburg Municipal Airport, Martinsburg, W. Va.; within a 9.5-mile radius of the center of the airport, extending clockwise from a 230° bearing from the airport to a 269° bearing from the airport; within an 8-mile radius of the center of the airport, extending clockwise from a 269° bearing to a 285° bearing from the airport; within a 7-mile radius of the center of the airport, extending clockwise from a 285° bearing to a 315° bearing

from the airport; within an 8-mile radius of the center of the airport, extending clockwise from a 315° bearing to a 003° bearing from the airport.

[FR Doc.72-6394 Filed 4-26-72;8:46 am]

[Airspace Docket No. 72-EA-19]

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

Alteration of Transition Area

On page 5257 of the FEDERAL REGISTER for March 11, 1972, the Federal Aviation Administration published proposed regulations which would alter the Endicott, N.Y., transition area (37 F.R. 2188).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t., June 22, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on April 14, 1972.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Endicott, N.Y., 700-foot floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the center 42°04'42" N., 76°05'49" W. of Tri-Cities Airport, Endicott, N.Y.; within a 10.5-mile radius of the center of the airport, extending clockwise from a 020° bearing to a 090° bearing from the airport; within a 12-mile radius of the center of the airport, extending clockwise from a 090° bearing to a 125° bearing from the airport; within a 13-mile radius of the center of the airport, extending clockwise from a 125° bearing to a 235° bearing from the airport; within a 10.5-mile radius of the center of the airport, extending clockwise from a 235° bearing to a 263° bearing from the airport and within 3.5 miles each side of the Binghamton, N.Y., VORTAC 340° radial, extending from the 10-mile radius area to 11.5 miles north of the VORTAC.

[FR Doc.72-6397 Filed 4-26-72;8:47 am]

[Airspace Docket No. 72-SO-19]

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

Revocation of Transition Area and Alteration of Transition Area

On March 10, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 5132), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would revoke the Bartow, Fla., transition area and alter the Lakeland, Fla., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 22, 1972, as hereinafter set forth.

In § 71.181 (37 F.R. 2143), the Bartow, Fla., transition area is revoked.

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

LAKELAND, FLA.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Lakeland Municipal Airport (lat. 27°59'15" N., long. 82°00'55" W.); within 5 miles each side of Lakeland VORTAC 235° radial, extending from the 8.5-mile-radius area to 8.5 miles southwest of the VORTAC; within a 7-mile radius of Bartow Municipal Airport (Lat. 27°57'00" N., long. 81°47'00" W.); within a 5-mile radius of Plant City Municipal Airport (lat. 28°00'00" N., long. 82°09'40" W.); within a 6.5-mile radius of Gilbert Field Municipal Airport, Winter Haven, Fla. (Lat. 28°03'40" N., Long. 81° 45'15" W.); within 2.5 miles each side of Lakeland VORTAC 074° radial, extending from the 6.5-mile-radius area to the Lakeland Municipal Airport 8.5-mile-radius area.

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

Issued in East Point, Ga., on April 18, 1972.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.72-6401 Filed 4-26-72;8:47 am]

[Airspace Docket No. 72-SO-37]

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

Revocation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Marathon, Fla., transition area.

The Marathon transition area is described in § 71.181 (37 F.R. 2143). The NDB RWY 7 Instrument Approach Procedure to Marathon Flight Strip, for which the controlled airspace was designated, was canceled effective March 31, 1972. It is necessary to revoke the Marathon transition area. Since this amendment lessens the burden on the public, notice and public procedure hereon are unnecessary.

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

In § 71.181 (37 F.R. 2143), the Marathon, Fla., transition area is revoked.

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

Issued in East Point, Ga., on April 18, 1972.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.72-6400 Filed 4-26-72;8:47 am]

[Airspace Docket No. 72-WA-23]

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

Alteration of Terminal Control Area at New York, N.Y.

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to alter the New York, N.Y., terminal control area by raising the TCA floor from 1,500 feet MSL to 1,800 feet MSL in an area northeast of Teterboro Airport, extending the helicopter route up the East River to the north end of Welfare Island, and redesignating the floor of the "B" area south of JFK Airport as "above 500 feet MSL." These changes will provide additional airspace below the TCA floor. These changes have been discussed with and concurred in by the FAA-User New York TCA Working Group.

Since these amendments restore airspace to the public use and relieve a restriction, notice and public procedure thereon are unnecessary. However, these amendments will become effective more than 30 days after publication to provide sufficient time for revisions to aeronautical charts.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 22, 1972, as hereinafter set forth.

Section 71.401 (37 F.R. 2327) the New York, N.Y., terminal control area is amended as follows:

1. *Area B.* Delete the phrase "* * * upward from 500 feet MSL * * *" and substitute "* * * upward from above 500 feet MSL * * *" therefor.

2. *Area D.* a. Delete the phrase "* * * the JFK VORTAC 314° radial; * * *" and substitute "* * * the north end of Welfare Island; * * *" therefor.

b. Change "LGA VORTAC" to read "LGA VOR."

3. *Area F.* Amend to read as follows:

That airspace extending upward from 1,800 feet MSL to and including 7,000 feet MSL within an area bounded by a line beginning at the intersection of the LGA VOR 337° radial and the Erie Lackawanna Railroad tracks, thence south along the railroad tracks to the east branch of the Hackensack River, thence south and west along the river to the LGA VOR 299° radial, thence direct to the intersection of the 6-mile radius circle of LGA VOR and the LGA VOR 264° radial, thence south along the west bank of the Hudson River to its intersection with, then counterclockwise along the 6.5-mile-radius circle centered at lat. 40°41'30" N., long. 74°10'00" W., to and southwest along New Jersey Highway Route No. 22 to and clockwise along a 10-mile radius circle centered at Lat. 40°41' 30" N., long. 74°10'00" W., to LGA VOR 283° radial, thence direct to the point of beginning.

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

Issued in Washington, D.C., on April 18, 1972.

ROBERT G. CARNAHAN,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-6399 Filed 4-26-72;8:47 am]

[Airspace Docket No. 71-AL-12]

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

Alteration of Control Zone and Transition Area; Correction

On February 26, 1972, F.R. Doc. 72-2848, published in the FEDERAL REGISTER (37 F.R. 4073) described the Big Delta, Alaska, 700-foot floor transition area as an amendment to the Big Delta transition area. The transition area is newly designated airspace and should have been identified accordingly.

Since this action effects no substantive change to the rule as initially adopted, the effective date of the final rule as published may be retained.

In consideration of the foregoing, F.R. Doc. 72-2848 is corrected as hereinafter set forth:

In the text describing the Big Delta, Alaska, transition area delete "amended" and substitute "designated" therefor.

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

Issued in Anchorage, Alaska, on April 21, 1972.

JACK G. WEBB,
Director, Alaskan Region.

[FR Doc.72-6496 Filed 4-26-72;8:52 am]

[Airspace Docket No. 71-AL-13]

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

Alteration of Control Zone and Transition Area; Correction

On February 26, 1972, F.R. Doc. 72-2849, published in the FEDERAL REGISTER (37 F.R. 4074) described the Nenana, Alaska, 700-foot floor transition area as an amendment to the Nenana transition area. The transition area is newly designated airspace and should have been identified accordingly.

Since this action effects no substantive change to the rule as initially adopted, the effective date of the final rule as published may be retained.

In consideration of the foregoing F.R. Doc. 72-2849 is corrected as hereinafter set forth:

In the text describing the Nenana, Alaska, transition area delete "amended" and substitute "designated" therefor.

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

Issued in Anchorage, Alaska, on April 21, 1972.

JACK G. WEBB,
Director, Alaskan Region.

[FR Doc.72-6497 Filed 4-26-72;8:52 am]

[Airspace Docket No. 71-WE-58]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Redesignation of Jet Route

On December 1, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 22848) stating that the Federal Aviation Administration was considering an amendment to Part 75 of the Federal Aviation Regulations that would designate a jet route from Phoenix, Ariz., to Abilene, Tex., via Truth or Consequences, N. Mex., and Roswell, N. Mex.

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

It has been determined that the portion of this proposed route from Roswell, N. Mex., to Abilene, Tex., would not be used because of the terminal procedures at Greater Southwest, Tex., and is therefore not included in this amendment. Since this change is minor in nature, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 22, 1972, as hereinafter set forth.

Section 75.100 (37 F.R. 2382) is amended as follows:

Jet Route No. 65 is amended to read:

Jet Route No. 65 (Roswell, N. Mex., to Red Bluff, Calif.)

From Roswell, N. Mex., via Truth or Consequences, N. Mex.; Phoenix, Ariz.; INT Phoenix 272° and Blythe, Calif. 096° radials; Blythe; Palmdale, Calif.; INT Palmdale 291° and Bakersfield, Calif. 149° radials; Bakersfield; Fresno, Calif.; Sacramento, Calif.; to Red Bluff, Calif.

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

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

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

[FR Doc. 72-6393 Filed 4-26-72;8:46 am]

[Airspace Docket No. 72-WA-25]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Change to Area High Route Waypoint

The purpose of this amendment to Part 75 of the Federal Aviation Regulations is to make a change of the name Henly, Tex., to Hye, Tex., in area high route J971R.

A policy to eliminate the duplication of names for air navigation aids has been adopted by the Federal Aviation Administration. Therefore, action is taken herein to make this change.

Since this amendment is minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

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

Section 75.400 (37 F.R. 2400 and 2767) is amended as follows:

In J971R "Henly, Tex., 30°14'02''/98°26'56'' Austin, Tex." is deleted "Hye, Tex., 30°14'02''/98°26'56'' Austin, Tex." is substituted therefor.

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

Issued in Washington, D.C., on April 20, 1972.

ROBERT G. CARNAHAN,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-6391 Filed 4-26-72;8:46 am]

[Airspace Docket No. 72-WA-26]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration to Area High Routes

The purpose of this amendment to Part 75 of the Federal Aviation Regulations is to change the reference facility for the "Rosewood, Ohio," waypoint in area high route J881R. This change of reference facilities is desirable to provide improved overall signal coverage for this route and for three more routes to be designated in the future proposing to use the "Rosewood" waypoint.

Since this amendment is minor in nature with no substantive change in the regulation, notice and public procedure thereon are unnecessary. However, since sufficient time must be allowed to make appropriate changes on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 22, 1972, as hereinafter set forth.

Section 75.400 (37 F.R. 2400) is amended as follows:

In J881R delete second waypoint information "Rosewood, Ohio 40°17'16'' N. 84°02'36'' W. Fort Wayne Ind." and substitute "Rosewood, Ohio 40°17'16'' N. 84°02'36'' W. Rosewood, Ohio." therefor.

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

Issued in Washington, D.C., on April 20, 1972.

ROBERT G. CARNAHAN,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-6392 Filed 4-26-72;8:46 am]

[Docket No. 11891, Amdt. 807]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

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

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

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

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

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

Section 97.15 is amended by establishing, revising, or canceling the following VOR/DME SIAP's, effective May 25, 1972.

Washington, D.C.—Washington National Airport; VOR/DME-1, Original; Canceled.
Washington, D.C.—Washington National Airport; VOR/DME Runway 15, Original; Canceled.

2. Section 97.21 is amended by establishing, revising, or canceling the following L/MF SIAP's, effective May 25, 1972.

Kodiak, Alaska—Kodiak Airport; LFR Runway 25, Amdt. 1; Revised.

3. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAP's, effective May 25, 1972.

Bennington, Vt.—Bennington State Airport; VOR-A, Amdt. 3; Revised.
Benton Harbor, Mich.—Ross Field; VOR Runway 9, Amdt. 2; Revised.
Benton Harbor, Mich.—Ross Field; VOR Runway 27, Amdt. 10; Revised.
Carlsbad, N. Mex.—Cavern City Air Terminal; VOR Runway 32L, Amdt. 1; Revised.
Concord, Calif.—Buchanan Field; VOR Runway 19R, Amdt. 5; Revised.
Crystal Lake, Ill.—Crystal Lake Airport; VOR Runway 26, Amdt. 1; Revised.
Eugene, Oreg.—Mahlon-Sweet Field; VOR-A, Amdt. 2; Revised.
Fresno, Calif.—Fresno-Chandler Downtown Airport; VOR-A, Amdt. 1; Revised.
Huntsville, Ala.—Huntsville-Madison County Jetport-Carl T. Jones Field; VOR-B, Amdt. 5; Revised.
Kenosha, Wis.—Kenosha Municipal Airport; VOR Runway 14, Original; Established.
Lewisburg, W. Va.—Greenbrier Valley Airport; VOR-A, Amdt. 2; Revised.
Lewiston, Idaho—Lewiston-Nez Perce County Airport; VOR Runway 8, Amdt. 1; Revised.
Lewiston, Idaho—Lewiston-Nez Perce County Airport; VOR Runway 26, Amdt. 7; Revised.
Lihue, Hawaii—Lihue Airport; VOR-2, Amdt. 6; Canceled.
Lihue, Hawaii—Lihue Airport; VOR-A, Original; Established.
Long Beach, Calif.—Long Beach (Daugherty Field) Airport; VOR Runway 30, Amdt. 1; Revised.
Los Angeles, Calif.—Los Angeles International Airport; VOR Runway 7L/R, Amdt. 7; Revised.
Los Angeles, Calif.—Los Angeles International Airport; VOR Runway 25L, Amdt. 1; Revised.
Los Angeles, Calif.—Los Angeles International Airport; VOR Runway 25R, Amdt. 1; Revised.
Mount Vernon, Ill.—Mount Vernon-Outland Airport; VOR Runway 5, Amdt. 3; Revised.
Mount Vernon, Ill.—Mount Vernon-Outland Airport; VOR Runway 23, Amdt. 1; Revised.
Phoenix, Ariz.—Phoenix Sky Harbor International Airport; VOR Runway 26L, Amdt. 16; Revised.
Porterville, Calif.—Porterville Municipal Airport; VOR Runway 30, Amdt. 1; Revised.
Salina, Kans.—Municipal Airport; VOR Runway 17, Amdt. 7; Revised.
Salinas, Calif.—Salinas Municipal Airport; VOR Runway 13, Amdt. 6; Revised.
San Antonio, Tex.—International Airport; VOR Runway 17, Amdt. 20; Revised.
Coffeyville, Kans.—Coffeyville Municipal Airport; VOR/DME-A, Original; Established.
Commerce, Tex.—Commerce Municipal Airport; VOR/DME-A, Original; Established.
Connersville, Ind.—Mettel Field; VOR/DME-A, Original; Established.
Covington, Ga.—Covington Municipal Airport; VOR/DME Runway 27, Original; Established.
Elkhart, Ind.—Elkhart Municipal Airport; VOR/DME Runway 35, Original; Established.
Eugene, Oreg.—Mahlon-Sweet Field; VOR DME Runway 16, Amdt. 1; Canceled.
Eugene, Oreg.—Mahlon-Sweet Field; VOR TAC Runway 16, Original; Established.
Eugene, Oreg.—Mahlon-Sweet Field; VOR/DME Runway 34, Amdt. 3; Canceled.
Eugene, Oreg.—Mahlon-Sweet Field; VOR TAC Runway 34, Original; Established.
Kodiak, Alaska—Kodiak Airport; VORTAC Runway 25, Amdt. 1; Revised.
Lake Havasu City, Ariz.—Lake Havasu City, Airport; VOR/DME-A, Original; Established.
Lihue, Hawaii—Lihue Airport; VOR/DME Runway 21, Amdt. 1; Canceled.
Lihue, Hawaii—Lihue Airport; VORTAC Runway 21, Original; Established.
Mineola, Tex.—Mineola Wisener Field; VOR/DME-A, Original; Established.
Phoenix, Ariz.—Phoenix Sky Harbor International Airport; VOR/DME Runway 8R, Amdt. 5; Revised.
Sacramento, Calif.—Sacramento Metropolitan Airport; VOR/DME Runway 34, Amdt. 3; Revised.
Salinas, Calif.—Salinas Municipal Airport; VOR/DME-A, Amdt. 1; Revised.
Salina, Calif.—Salinas Municipal Airport; VOR/DME Runway 13, Amdt. 1; Revised.
Sherman-Denison, Tex.—Grayson County Airport; VOR/DME-A, Original; Established.
South Lake Tahoe, Calif.—Lake Tahoe Airport; VOR/DME-1, Amdt. 3; Canceled.
South Lake Tahoe, Calif.—Lake Tahoe Airport; VOR/DME-A, Original; Established.
Springtown, Tex.—Springtown Airport; VOR/DME Runway 17, Original; Established.
Union City, Tenn.—Everett-Stewart Airport; VOR/DME-A, Amdt. 2; Revised.
Yazoo City, Miss.—Barrier Field; VOR/DME-A, Amdt. 4; Revised.
Yazoo City, Miss.—Barrier Field; VOR/DME-Runway 17, Amdt. 1; Revised.

4. Section 97.25 is amended by establising, revising, or canceling the following SDF-LOC-LDA SIAP's, effective May 25, 1972.

Atlanta, Ga.—Fulton County Airport; LOC-A, Original; Established.
Benton Harbor, Mich.—Ross Field; LOC(BC) Runway 9, Original; Established.
Benton Harbor, Mich.—Ross Field; LOC Runway 27, Amdt. 2; Revised.
Cordova, Alaska—Cordova Mile 13 Airport; LOC/DME Runway 27, Amdt. 3; Revised.
Dothan, Ala.—Dothan Airport; LOC Runway 31, Amdt. 1; Revised.
Harrisburg, Pa.—Capital City Airport; LOC Runway 8, Original; Canceled.
Islip, N.Y.—Islip-MacArthur Airport; LOC (BC) Runway 24, Amdt. 2; Revised.
Lewisburg, W. Va.—Greenbrier Valley Airport; LOC Runway 4, Original; Established.
Long Beach, Calif.—Long Beach (Daugherty Field) Airport;; LOC(BC) Runway 12, Amdt. 1; Revised.
Los Angeles, Calif.—Los Angeles International Airport; LOC(BC) Runway 6L/R, Amdt. 2; Revised.
Los Angeles, Calif.—Los Angeles International Airport; LOC(BC) Runway 7R, Amdt. 6; Revised.
Phoenix, Ariz.—Phoenix Sky Harbor International Airport; LOC(BC) Runway 26L, Original; Established.
Sacramento, Calif.—Sacramento Metropolitan Airport; LOC(BC) Runway 34, Amdt. 3; Revised.
St. Paul, Minn.—St. Paul Downtown-Holman Field; LOC Runway 30, Amdt. 1; Revised.
St. Petersburg-Clearwater, Fla.—St. Petersburg-Clearwater International Airport; LOC(BC) Runway 35, Amdt. 9; Revised.
San Diego, Calif.—San Diego International-Lindbergh Field; LOC(BC)-A, Amdt. 14; Revised.

5. Section 97.27 is amended by establishing, revising or canceling the following NDB/ADF SIAP's, effective May 25, 1972.

Atlanta, Ga.—The William B. Hartsfield Atlanta International Airport; NDB Runway 27L, Amdt. 6; Revised.
Atlanta, Ga.—The William B. Hartsfield Atlanta International Airport; NDB Runway 27R, Amdt. 6; Revised.
Bardstown, Ky.—Samuels Field; NDB(ADF) Runway 20, Amdt. 1; Canceled.
Bardstown, Ky.—Samuels Field; NDB-A, Original; Established.

Benton Harbor, Mich.—Ross Field; NDB Runway 27, Amdt. 2; Revised.
Coffeyville, Kans.—Coffeyville Municipal Airport; NDB Runway 35, Amdt. 2; Revised.
Cordova, Alas.—Cordova Mile 13 Airport; NDB-A, Amdt. 1; Revised.
Covington, Ky.—Greater Cincinnati Airport; NDB Runway 36, Amdt. 23; Revised.
Eugene, Oreg.—Mahlon-Sweet Field; NDB Runway 16, Amdt. 21; Revised.
Fayetteville, N.C.—Fayetteville Municipal/Grannis Field; NDB Runway 3, Amdt. 6; Revised.
Florence, S.C.—Florence Municipal Airport; NDB Runway 9, Original; Established.
Fresno, Calif.—Fresno-Chandler Downtown Airport; NDB-A, Amdt. 1; Revised.
Hawthorne, Calif.—Hawthorne Municipal Airport; NDB-A, Amdt. 1; Revised.
Islip, N.Y.—Islip-MacArthur Airport; NDB Runway 6, Amdt. 11; Revised.
Kenosha, Wis.—Kenosha Municipal Airport; NDB Runway 14, Amdt. 3; Revised.
Lewisburg, W. Va.—Greenbrier Valley Airport; NDB Runway 4, Amdt. 1; Revised.
Lexington, Nebr.—Lexington Municipal Airport; NDB Runway 14, Original; Established.
Long Beach, Calif.—Long Beach (Daugherty Field) Airport; NDB Runway 30, Amdt. 1; Revised.
Los Angeles Calif.—Los Angeles International Airport; NDB Runway 24L/R, Amdt. 6; Revised.
Los Angeles Calif.—Los Angeles International Airport; NDB Runway 25L/R, Amdt. 34; Revised.
Miami, Fla.—Dade-Collier Training and Transition Airport; NDB Runway 9, Amdt. 3; Revised.
Mount Vernon, Ill.—Mount Vernon-Outland Airport; NDB Runway 23, Original; Established.
Natchitoches, La.—Natchitoches Municipal Airport; NDB Runway 34, Amdt. 1; Revised.
Osceola, Wis.—Osceola Municipal Airport; NDB Runway 28, Amdt. 3; Revised.
Phoenix, Ariz.—Phoenix Sky Harbor International Airport; NDB-A, Amdt. 1; Revised.
Salina, Kans.—Municipal Airport; NDB Runway 35, Amdt. 5; Revised.
San Diego, Calif.—San Diego International-Lindbergh Field; NDB-A, Amdt. 3; Revised.
San Diego, Calif.—San Diego International-Lindbergh Field; NDB Runway 9, Amdt. 12; Revised.
Statesboro, Ga.—Statesboro Municipal Airport; NDB Runway 31, Original; Established.
Trinidad, Colo.—Las Animas County Airport; NDB(ADF)-1, Original· Canceled.
Trinidad, Colo.—Las Animas County Airport; NDB-A, Original; Established.
Union City, Tenn.—Everett-Stewart Airport; NDB Runway 18, Amdt. 3; Revised.
Union City, Tenn.—Everett-Stewart Airport; NDB Runway 36, Amdt. 1; Revised.
Wake Island—Wake Island Airport; NDB (ADF) Runway 10, Amdt. 10; Canceled.
Wichita Falls, Tex.—Kickapoo Airport; NDB-A, Original; Established.

6. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's, effective May 25, 1972.

Albany, Ga.—Albany-Dougherty County Airport; ILS Runway 4, Original; Established.
Atlanta, Ga.—Fulton County Airport; ILS Runway 8R, Amdt. 1; Canceled.
Atlanta, Ga.—The William B. Hartsfield Atlanta International Airport; ILS Runway 27R, Original; Established.
Covington, Ky.—Greater Cincinnati Airport; ILS Runway 9R, Amdt. 1; Revised.
Covington, Ky.—Greater Cincinnati Airport; ILS Runway 36, Amdt. 25; Revised.
Eugene, Oreg.—Mahlon-Sweet Field; ILS Runway 16, Amdt. 25; Revised.
Fayetteville, N.C.—Fayetteville Municipal/Grannis Field; ILS Runway 3, Amdt. 6; Revised.
Florence, S.C.—Florence Municipal Airport; ILS Runway 9, Original; Established.
Grand Junction, Colo.—Walker Field; ILS Runway 11, Amdt. 2; Revised.
Harrisburg, Pa.—Capital City Airport; ILS Runway 8, Original; Established.
Islip, N.Y.—Islip-MacArthur Airport; ILS Runway 6, Amdt. 12; Revised.
Long Beach, Calif.—Long Beach (Daugherty Field); ILS Runway 30, Amdt. 24; Revised.
Los Angeles, Calif.—Los Angeles International Airport; ILS Runway 7L, Amdt. 5; Revised.
Los Angeles, Calif.—Los Angeles International Airport; ILS Runway 24L/R, Amdt. 2; Revised.
Los Angeles, Calif.—Los Angeles International Airport; ILS Runway 25L/R, Amdt. 2; Revised.
Miami, Fla.—Dade-Collier Training and Transition Airport; ILS Runway 9, Amdt. 3; Revised.
Phoenix, Ariz.—Phoenix Sky Harbor International Airport; ILS Runway 8R, Original; Established.
Richmond, Va.—Richard Evelyn Byrd International Airport; ILS Runway 6, Amdt. 17; Revised.
Salina, Kans.—Municipal Airport; ILS Runway 35, Amdt. 6; Revised.
San Diego, Calif.—San Diego International-Lindbergh Field; ILS Runway 9, Amdt. 2; Revised.

7. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAP's, effective May 25, 1972.

Abilene, Tex.—Abilene Municipal Airport; Radar-1, Amdt. 1; Revised.
Covington, Ky.—Greater Cincinnati Airport; Radar-1, Amdt. 13; Revised.
Long Beach, Calif.—Long Beach (Daugherty Field); Radar-1, Amdt. 6; Revised.
Los Angeles, Calif.—Los Angeles International Airport; Radar-1, Amdt. 28; Revised.
Phoenix, Ariz.—Phoenix Sky Harbor International Airport; Radar-1, Amdt. 4; Revised.

8. Section 97.33 is amended by establishing, revising, or canceling the following RNAV SIAP's, effective May 25, 1972.

Indianapolis, Ind.—Indianapolis Municipal-Weir Cook Airport; RNAV Runway 4L, Amdt. 1; Revised.
Moses Lake, Wash.—Grant County Airport; RNAV Runway 21, Original. Established.
Muskegon, Mich.—Muskegon County Airport; RNAV Runway 14, Amdt. 2; Revised.
Salina, Kans.—Salina Municipal Airport; RNAV Runway 17, Amdt. 1, Revised.
San Antonio, Tex.—International Airport; RNAV Runway 30L, Amdt. 2; Revised.

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

Issued in Washington, D.C., on April 19, 1972.

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

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

[FR Doc.72-6404 Filed 4-26-72;8:47 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. IC-7127]

PART 270—GENERAL RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

Sales of Debentures Guaranteed by Small Business Administration; Correction

In F.R. Doc. 72-5916 appearing at page 7589 in the issue of Tuesday, April 18, 1972, of the FEDERAL REGISTER, the subheading reading "[Release No. IC-7137]" should read "[Release No. IC-7127]."

For the Commission pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

APRIL 21, 1972.

[FR Doc.72-6438 Filed 4-26-72;8:50 am]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.660]

PART 14—EMPLOYEE-MANAGEMENT RELATIONS

On March 15, 1972, there was published in the FEDERAL REGISTER (37 F.R. 5387), a notice of proposed rule making to issue regulations establishing procedures and defining rights necessary to implement Executive Order 11636, Employee-Management Relations in the Foreign Service of the United States (36 F.R. 24901). These regulations will be added to Title 22 of the Code of Federal Regulations as Part 14.

Interested persons were invited to submit written comments, suggestions, or objections regarding the proposed regulations not later than April 14, 1972. After consideration of all such revelant matter presented, the regulations for Part 14 are hereby adopted, subject to the following changes:

1. In § 14.2 the scope is amended to conform with E.O. 11636.

2. In paragraphs (b) through (k) of § 14.3 the definitions are amended to conform with E.O. 11636.

3. Section 14.5 is amended to authorize the Board of the Foreign Service to request and use the services and assistance of other agencies.

4. Paragraph (b) of § 14.7 is deleted, the remaining paragraphs are redesignated accordingly, and a new paragraph (e) is added to state that consultations shall be in accordance with the procedures, rulings and decisions of the Commission.

5. Section 14.8(b) is amended to authorize a grievant to request the exclusion of the organization representative from part or all of a grievance proceeding to protect the grievant's right to privacy.

6. Section 14.12(d) is amended to specify that the Secretary of State will review all final reports and forward his recommendations to the President.

7. Section 14.13(c) is amended to clarify the authority of the heads of agencies to regulate the use of the agency's facilities.

8. In paragraph (d) of § 14.13 the time for consultation is increased from forty (40) to forty-eight (48) hours with a proviso that the time limit will not apply during the first three months following recognition of an exclusive representative, and that the head of each agency may extend the permissible time in the interest of reaching agreement.

Effective date. These regulations shall become effective April 20, 1972.

WILLIAM P. ROGERS,
Secretary of State.

APRIL 20, 1972.

Sec.
14.1 Purpose.
14.2 Scope.
14.3 Definitions.
14.4 General policy and responsibilities.
14.5 Organs of administration.
14.6 Recognition.
14.7 Scope of consultations.
14.8 Consultation procedures.
14.9 Appeals.
14.10 Disputes panel.
14.11 Conferral.
14.12 Changes and amendments.
14.13 Organizational activities.
14.14 Miscellaneous.

AUTHORITY: The provisions of this Part 14 issued under secs. 4, 11, 14, and 16, E.O. 11636, 36 F.R. 24901, Dec. 24, 1971.

§ 14.1 Purpose.

The regulations in this part contain policies and procedures to implement the employee-management relations system for the Foreign Service of the United States. Their purpose is to promote effective, equitable, and uniform implementation of the policies, rights, and responsibilities prescribed by Executive Order 11636 for the Department of State, the U.S. Information Agency, and the Agency for International Development (or its successor agency or agencies).

§ 14.2 Scope.

These regulations and Executive Order 11636 are applicable to all members of the Foreign Service and to the foreign affairs agencies: *However,* The head of a foreign affairs agency may, in his sole judgment, suspend temporarily any provision of this order with respect to any post, bureau, office, or activity in the United States or abroad, when he determines in writing in emergency situations that this is necessary in the national interest.

§ 14.3 Definitions.

As used in this part, the following definitions shall apply:

(a) "Order" means Executive Order 11636, "Employee-Management Relations in the Foreign Service of the United States" (36 F.R. 24901, December 24, 1971).

(b) "Foreign affairs agency" or "agency," "employee," "management official," "confidential employee," "agency management," "organization," "commission," "Board," "Secretary," all have the meaning set forth in section 2 of the order.

(c) "Recognized organization" means an organization with the status of exclusive representative for the employees of an agency for purposes of the order.

(d) "Head of the agency" means: (1) for the Department of State, the Secretary; (2) for the U.S. Information Agency, the Director; and (3) for the Agency for International Development, the Administrator.

(e) "Executive Secretary" means the Executive Secretary of the Board.

(f) "Eligible employee" means any employee except a management official or confidential employee.

All other terms shall have the meanings prescribed in the order or the regulations by the Commission.

§ 14.4 General policy and responsibilities.

(a) The effective participation by the men and women of the Foreign Service in the formulation of personnel policies and procedures affecting the conditions of their employment is essential to the efficient administration of the Foreign Service and to the well-being of its members. All eligible employees of the foreign affairs agencies have the right to choose whether or not they wish to be represented by an organization for purposes of this participation and which, if any, organization they wish to represent them. It is the policy of the foreign affairs agencies that, if the employees of an agency choose to be represented by an organization, in accordance with procedures established under the order, consultation and conferral between the management of the agency and that organization are essential to the efficient administration of the Foreign Service and to the well-being of its members.

(b) To effectuate this policy, each employee of the Foreign Service has the right, subject to the limitations set forth below, freely and without fear of penalty or reprisal, to form, join, and assist any organization or to refrain from any such activity, and agency management shall not discriminate against employees in their exercise of these rights.

(c) Except as limited in paragraph (d) of this section, the right to assist an organization extends to participation in the management of an organization and acting for an organization in the capacity of an organizational representative, including presentation of an organization's views to agency management, officials of any part of the executive branch, the Congress, or other appropriate authority.

(d) Nothing in this section shall authorize participation in the management of an organization or acting as a representative of an organization by a management official or a confidential employee, or by an employee when the participation would result in a conflict, or apparent conflict, of interest or otherwise be incompatible with law or with the official duties of the employee. The head of each agency, or his designee, shall provide appropriate guidance for employees in order to avoid such potential conflicts.

(e) Recognition of an organization as the exclusive representative of the employees of an agency shall not preclude informal consultations or other dealings with lawful associations (not eligible for the status of organization) regarding topics of particular interest to those lawful associations as prescribed by section 7(e) (2) and (3) of the order.

(f) Recognition shall also not preclude an employee, or a group of employees, regardless of affiliation, from bringing matters of personal concern to the attention of appropriate officials of an agency under applicable laws, rules, regulations or established policies, or from choosing his or their own representative in a grievance or other administrative adjudication: *However,* This section does not permit an employee or group of employees to meet with agency management through an organization which is not recognized as the representative of the employees in that agency to discuss a matter which is a proper subject for consultation.

(g) When the head of an agency temporarily suspends any provision of the order or these regulations because of an emergency situation, both agency management and the organization recognized as the representative of the employees of that agency shall, to the extent practical, considering the requirements of the emergency situation, conduct themselves in accordance with the policies of the order. The head of the agency ordering such a suspension, or his designee, shall instruct the parties regarding the proper conduct during such emergencies, including, but not by way of limitation, by issuing directives as to which of these provisions is to apply during the suspension and by providing other appropriate guidance; such guidance shall, if practicable, be provided after conferral with the heads of the other agencies having employees at that post, and the recognized organizations (if any) for the affected agencies. No such suspension, however, shall operate to deny access by an employee or a group of employees to the grievance procedure established under section 10 of the order.

(h) All management officials and confidential employees shall, to the extent consistent with their right to join an organization, maintain strict neutrality in any public participation in the affairs of an organization with regard to matters covered by the order and shall avoid expressions of preference concerning representation by organizations in general or by any specific organization.

§ 14.5 Organs of administration.

(a) The Secretary shall exercise the following functions in the administration of the order:

(1) Prescribe regulations for the Board in the administration of its functions under the order;

(2) Establish procedures for recognized organizations to have access to agency management for the purposes of consultation and conferral;

(3) Prescribe regulations for the use of official time for consultation, conferral, and other representational activities by organizations and their agencies;

(4) Supervise the foreign affairs agencies in the implementation of the order; and

(5) Report to the President concerning the implementation of the order, after receiving the views of the Board, and make recommendations to the President regarding amendments to the order.

(b) The head of each respective foreign affairs agency, or his designee, shall exercise the following functions in the administration of the order:

(1) Prescribe regulations for the agency after consultation with the recognized organization if any, and, if none, with all participating organizations to implement the order and the regulations promulgated by the Secretary and the Commission. Such regulations shall include, but shall not be limited to: (i) A clear statement of the rights of the employees of the agency under the order; (ii) procedures with respect to consultation and conferral with recognized organization; (iii) policies with respect to the use of agency facilities by organizations; and (iv) policies and practices regarding consultation with other lawful associations, as appropriate;

(2) Suspend temporarily any or all of the provisions of the order or this part at any post, bureau, office, or activity, when he determines in writing that an emergency situation necessitates such suspension in the national interest, subject to the conditions he prescribes, and issue temporary regulations governing employee-management relations during such suspension; and

(3) Perform such other functions as the Secretary may, by regulation, or otherwise, prescribe.

The following offices shall be responsible for the administration of the employee-management relations system for each respective agency: (i) For the Department of State, the Special Assistant for Employee-Management Relations to the Director General of the Foreign Service; (ii) for the U.S. Information Agency, the Personnel Planning Staff; and (iii) for the Agency for International Development, the Welfare and Grievance Staff, Office of Personnel and Management. Matters relating to the administration of the order by an agency should be directed to those officials, and any notice, paper, request, or other material served upon them shall be considered as served upon the agency.

(c) The Board shall perform the following functions in the administration of the order:

(1) Consider and make recommendations to the Secretary concerning any subject of a substantive nature appropriate for the implementation of the order.

(2) Interpret this part and the order, except for those provisions reserved to the functions of the Commission;

(3) Perform such other functions as the Secretary may, by regulation or otherwise, prescribe;

(4) Perform such other functions as prescribed in section 4(a) of the order. All papers or materials to be submitted to the Board shall be directed to the Executive Secretary and shall be submitted in triplicate, at least ten (10) working days before the date of the meeting of the Board at which such papers or materials are to be considered. In performing the duties imposed on it by section 4(a) of the order, the Board may request and use the services and assistance of employees of other agencies in accordance with section 1 of the Act of March 4, 1915 (38 Stat. 1084, as amended; 31 U.S.C. 686).

§ 14.6 Recognition.

(a) Any organization seeking recognition under the order shall, in addition to meeting the requirements of the regulations established by the Commission, submit to the relevant agency a copy of the organization's constitution and bylaws, a statement of its objectives, and a roster of its officers.

(b) Recognition shall be accorded only following an election conducted by the head of that foreign affairs agency, under supervision of the Commission, among all the employees of the agency.

(c) Recognition of an organization certified by the Commission as the choice of the eligible employees of an agency shall be accorded by that agency following the receipt of a notification from the Commission informing the agency of the certification of the results of an election. Recognition shall be accorded by means of a letter from the head of the agency to the principal executive officer (or his designee) of the organization to be recognized.

(d) Recognition of an organization shall be withdrawn upon the presentation to the foreign affairs agency of a ruling by the Commission that the recognized organization has been found ineligible for recognition for any reason, or of a certification by the Commission of the results of an election in which the majority of the ballots cast indicate that the eligible employees of the agency have selected another organization as their exclusive representative, or that they do not wish to be represented by that organization.

(e) Whenever a foreign affairs agency receives information which creates a substantial question that an organization certified by the Commission as the winner of a representation election is ineligible for recognition because of noncompliance with Part 804 of this title or for any other reason acceptable to the Commission, the head of the agency or designee shall petition to the Commission in accordance with its regulations.

(f) Whenever the head of an agency receives information which creates a good faith doubt that the employees of an agency desire to have the recognized organization continue to represent them he shall, at the earliest time possible under the regulations of the Commission, petition to the Commission for the purpose of conducting an election pursuant to Part 802 of this title.

§ 14.7 Scope of consultation.

(a) Appropriate subjects for consultation between the recognized organization and the foreign affairs agency are those personnel policies and procedures, including grievance procedures, which affect working conditions of the employees which are within the authority of the foreign affairs agency.

(b) The obligation to consult does not include matters with respect to the mission of a foreign affairs agency; its budget; its organization; the number of employees; and the numbers, types, and grades of positions or employees assigned to an organizational unit, work project or tour of duty; the technology of performing its work; or its internal security practices. Consultations will not extend to foreign policy matters or other substantive responsibilities of the foreign affairs agencies. This paragraph shall not preclude consultation with respect to providing appropriate arrangements for employees adversely affected by the impact of realignment of work forces or technological change.

(c) If consultations are desired for personnel policies or procedures which directly affect more than one foreign affairs agency, such consultations shall be conducted jointly among the managements of all agencies involved and the organizations, if any, recognized by those agencies.

(d) The obligation to consult shall not deny the authority and obligation of the management of such foreign affairs agency to: (1) direct employees of the agencies; (2) hire, promote, transfer, assign, and retain employees in positions within the foreign affairs agencies, and suspend, demote, discharge or take other disciplinary action against employees; (3) relieve employees from duties because of the lack of work or for other legitimate reasons; (4) maintain the efficiency of the Government operations entrusted to them; (5) determine the methods, means, and personnel by which operations are to be conducted; and (6) take whatever actions may be necessary to carry out the missions of the agencies in situations of emergency. Such authority and obligation shall remain with the management of the agency in the administration of the policies and practices which result from the consultation process.

(e) Consultation shall be in accordance with the procedures, rulings, and decisions of the Commission.

§ 14.8 Consultation procedures.

(a) Agency management and the recognized organization shall to the extent consistent with applicable law and regulations have the mutual obligation to consult regularly and prior to the adoption of proposed or revised personnel policies and procedures which affect working conditions of employees for the purpose of arriving at mutually acceptable policies, changes, or revisions. Such obligation does not, however, compel either party to agree to any specific proposal advanced by the other party during such consultations, nor does it require the making of a concession on any specific matter.

(b) After an organization is recognized, a procedure for the resolution of grievances shall be established by the agency after consultation with the recognized organization. The establishment of such a procedure shall not limit the right of the individual employee or group of employees to choose his or their representative. When a grievance is brought under that procedure by an employee or group of employees and the representative chosen by the grievant or grievants is other than the recognized organization, the recognized organization may be present at all sessions of the procedure at which the representative may be present, but the recognized organization may not intercede or present arguments of its own unless permission to do so has been granted by the Executive Secretary on the grounds that the resolution of the grievance would have an important effect upon consultation rights. In situations where the Executive Secretary has not specifically granted permission the grievant or grievants may ask the Executive Secretary that the representative of the organization be excluded from part or all of the proceedings in order to protect the privacy of the grievant or grievants.

(c) Consultations shall be conducted at reasonable times and places which are mutually agreeable to the agency management and the recognized organization. Agency management shall inform the recognized organization whenever a change or revision in any personal policy or practice affecting the agency's employees—other than foreign policy matters or other substantive responsibilities of the foreign affairs agencies—is contemplated. The organization may propose such changes or revisions on its own initiative. Agency management shall not institute such a change until the parties have had a reasonable opportunity to consult and reach agreement or, if the parties do not agree as to the obligation to consult, until the Commission resolves the issue of whether an obligation to consult exists. Such a revision or change may be instituted without the concurrence of the recognized organization if that organization does not request consultation within ten (10) days after its receipt of the notification that the agency intends such a change or revision.

(d) The head of each agency shall issue regulations setting forth the procedure for such consultations.

(e) The results of consultation shall not be effective until signed by the head of the agency or his designee.

(f) When consultation does not result in agreement on a substantive issue, the recognized organization may appeal the final or last position of the agency to the Board. During the pendency of such an appeal, the agency shall not institute any change or modification in the matter under consideration unless the head of the agency determines that immediate implementation is required by the national interest, in which case a statement of the reasons for such action shall be supplied to the recognized organization and to the Board.

§ 14.9 Appeals.

(a) When, after a reasonable period of consultation, no agreement is reached on a substantive issue the recognized organization may appeal the final or last position of the foreign affairs agency to the Board. Such an appeal shall be made only after agency management has informed the organization that its position is final or after the organization has informed management that it considers that management's position will not be substantially changed as a result of further consultations. Unless agency management agrees to reconsider its position within five (5) days after that time, an appeal must be filed with the Board within ten (10) days from the date the organization informs agency management that it considers an appeal to be timely or from the date the agency management informs the organization that its position is final. If no appeal is filed with the Board within ten (10) days, the final or last position of agency management may be implemented as though agreement had been reached on the matter.

(b) All appeals shall be made in writing to the Board, stating the last or final position of the agency, the position of the organization, the reasons for the organization's position, the prior positions of the parties during consultation, the reasons the organization believes a substantive question is involved, and any additional facts needed for the Board to consider the appeal. A copy of all material submitted to the Board shall be provided to the agency at the same time.

(c) Within ten (10) days from the date the organization submits its material to the Board and to the agency, the agency may submit a reply to any or all of the points raised by the appeal and supporting papers. A copy of any reply shall be provided to the organization at the same time. The agency may request certain matters be given priority attention if their immediate implementation is considered important.

(d) All papers and other material submitted to the Board shall be reviewed by the Executive Secretary for purposes of determining whether additional material is necessary, formulating a summary, and making a recommendation to the Board regarding the existence of a substantive question. If the Executive Secretary determines no additional material is required in order to resolve the issue of whether a substantive question has been raised, he shall submit a summary of the relevant facts and his recommendation to the Chairman of the Board within ten (10) days following the time specified for the receipt of the agency's reply materials, and shall provide a copy of such to the organization and the agency.

(e) The Executive Secretary may request oral or written statements from the parties in order to determine whether the appeal involves a substantive question if the material filed by the parties is insufficient.

(f) The Board shall initially determine whether a substantive question is raised by the appeal. For purposes of this section, a substantive question is raised when the subject under consideration creates, defines, or changes rights of the employees or organizations or the conditions relating to such rights.

(g) The Board shall issue its decision as to whether a substantive question is raised as expeditiously as possible following the receipt of the Executive Secretary's recommendation.

(h) If the Board finds that the appeal does not raise a substantive question, it shall dismiss the appeal, and the agency may implement its last or final position immediately.

(i) If the Board finds a substantive question has been raised, the appeal shall be referred to a disputes panel for a finding of fact and recommendation in accordance with § 14.10.

(j) After receiving the findings of fact and recommendations of the disputes panel, the Board may request or receive the views of or assistance from any party, person, organization, or agency. As expeditiously as possible after receipt of the panel's findings of fact and recommendations the Board shall issue its decisions, which will be binding on the parties, unless overruled by the head of the agency.

(k) When the head of the foreign affairs agency overrules the decision of the Board, he shall issue a statement explaining the reasons for which the Board's decision is unacceptable and the position he adopts is required. A copy of such statement shall be provided to the organization, the Board, and the Commission.

(l) The organization and agency management may, at any time, remove an appeal from consideration by the Board or disputes panel by mutual agreement.

§ 14.10 Disputes panel.

(a) A disputes panel to assist the Board in the consideration of appeals shall be appointed by the Chairman of the Board. The panel shall consist of two Foreign Service employees of any foreign affairs agency who are not part of agency management or organization officials, one representative of the Department of Labor, one member of the Federal Service Impasses Panel, and one public member.

(b) The disputes panel shall present findings of fact and recommendations to the Board for the disposition of the appeal of the dispute, and it may, in cases

it deems appropriate, mediate disputes or otherwise attempt to promote agreement between the parties. The panel may not impose binding arbitration, but it may take whatever steps in an advisory capacity it considers helpful in assisting the parties to reach agreement.

(c) The panel shall conduct its own investigation in its factfinding capacity. It may request written or oral statements or arguments from the parties and may request information, including documents or witnesses (or depositions, if more appropriate) from the parties or from any other source it considers appropriate.

(d) The presentation of the panel's findings of fact to the Board shall be limited to subjects which have been considered by the parties in the consultation process. Its recommenations to the Board shall be within the scope of the final or last positions taken by the parties.

(e) The disputes panel shall issue its findings of fact and recommendations to the Board within thirty (30) days after receiving the question, unless the appeal has been withdrawn earlier. The panel may request an extension of time from the Board if additional time is needed to permit the parties to reach agreement. All findings of fact and recommendations shall be provided to the recognized organization and the agency.

§ 14.11 Conferral.

(a) The head of each agency whose employees are represented by an organization shall appoint appropriate representatives of agency management to meet regularly with the organization for purposes of conferral and review in regard to matters affecting or affected by the employee-management relations system.

(b) Such meetings shall be held at times and locations agreed upon by the parties. These meetings may be scheduled as periodic meetings. Notwithstanding an agreement to hold such meetings periodically, the organization or the agency may request a meeting at any reasonable time; agency management or the organization shall grant such requests whenever practical.

(c) There shall be no limitation upon the topics which may be discussed during conferral and review meetings provided some relationship exists between the topic and employee-management relations: *However*, Matters specifically excluded from the obligation to consult by the terms of the order shall be proper topics for conferral only if the parties specifically agree.

(d) Agency management and the recognized organization may confer in order to establish a procedure for resolution of issues relating to working conditions of employees at any post which would not affect the foreign service generally. The results of such conferral, or the positions of the parties if agreement is not attained within a reasonable time, may be submitted to the Board in the form of a recommendation of a change in the implementation of the order.

(e) All recognized organizations and agencies shall meet annually to review the implementation and administration of the employee-management relations system established by the order. All recommendations or conclusions arrived at after such meetings shall be submitted to the Board for consideration.

(f) Meetings shall be held with the recognized employee organizations, if any, so that the Secretary and the Director may take into account the views of the organizations in designating their respective members on the Board of the Foreign Service.

§ 14.12 Changes and amendments.

(a) All recommendations by any person for amendments to the order or changes in its implementation shall be made directly to the Board: *However*, The agency or the recognized organization shall make such recommendations only following conferral upon them.

(b) Upon the receipt of a recommendation from any source, or upon its own initiative, the Board may review the implementation of the order, proposed amendments to the order or this part, or any topic related to the effectuation of the policies of the order. An announcement of such a review shall be provided to the foreign affairs agencies, all known interested organizations, all employees of the Foreign Service, and the public.

(c) Following such announcement the Board may request or otherwise receive the views of any interested party.

(d) Within a reasonable time after the issuance of the announcement, not to exceed ninety (90) days, the Board shall issue either a final or interim report to the Secretary, including, if appropriate, its recommendations for amendments to the order or this part. The Secretary shall review all final reports and forward his recommendations to the President.

§ 14.13 Organizational activities.

(a) All organizations shall be given reasonable opportunities to solicit membership and support for their organizational activities among the members of the Foreign Service. Subject to the limitation prescribed by the head of the agency, representatives of such organizations shall be permitted, upon request, to post notices or distribute literature or to hold organizational meetings at any post. Such permission shall not extend to meetings during official duty hours or to activities which disrupt or tend to disrupt the proper functioning of the post's activities.

(b) Official time may not be used by representatives of organizations for the purposes of soliciting memberships or support among the employees of the agency or for any purpose not relating directly to the representation of the employees to management (i.e., consultations, conferral, grievance representation , and hearings directed by the Commission or the Board).

(c) The use of agency facilities, including the interoffice or interdepartmental distribution system, will be governed by the regulations of the head of the agency. Use of mail facilities to or from posts normally used by the public shall be available to organizations on the same basis as to any member of the public. Telecommunication facilities may only be used following a request to, and written permission by, the Secretary or his designee.

(d) The amount of official time spent by representatives of a recognized organization for the consultation process shall be limited to that reasonably required to reach agreement but not to exceed four (4) hours each month or forty-eight (48) hours each fiscal year. Such time limits will not be applicable during the first 3 months following recognition of an exclusive representative of all the employees of an agency. The head of each agency may extend the permissible time in the interest of reaching agreement. The number of organization representatives who are employed by the foreign affairs agencies and who are on official time normally shall not exceed the number of agency representatives. If an appeal has been taken under § 14.9, the Board may request that the head of the agency permit a representative or representatives of the organization a reasonable amount of official time for purposes of appeals.

(e) The amount of official time spent by representatives of an organization for conferral and review shall be over and above the time used for consultation and shall be limited to that reasonably necessary. The number of organization participants at conferral shall normally not exceed the number of the agency participants.

(f) Neither overtime, compensatory time off, nor travel time will be available to organizational representatives because of time spent in the process of consultation or conferral.

§ 14.14 Miscellaneous.

(a) Nothing in this part, the results of consultations, or any agreement between the agency and an organization shall be construed to limit the authority of agency management to establish policies and practices directly affecting those employed by the agency other than eligible employees.

(b) Nothing in the order, this part, the result of any consultation, or any agreement shall in any way limit the authority and responsibility of the head of an agency to seek any and all appropriate judicial and/or administrative action to terminate or prohibit a strike, work stoppage, slowdown, or any other such concerted action which tends to affect detrimentally the operations of an agency.

(c) All employees of the Foreign Service and all persons employed by or assigned to a foreign affairs agency shall provide full cooperation to the Board, the Commission, and disputes panels, and provide those organs with any and all information or assistance requested by them.

(d) Both agency management and all organizations shall be bound by the decisions of the Board (unless the head of the agency directs otherwise in a decision on an appeal under § 14.9) and the Commission.

(e) Nothing in the order, this part, the results of consultation, or any agreement shall prevent the head of an agency from excluding any person, party, documents, or information from any other party or proceeding if, in his sole discretion, he determines in writing that such exclusion is required to protect national interest. Such exclusion shall not be interpreted as an admission of any position.

(f) In computing any period of time prescribed by or allowed by this part, the day of the act, event, or default after which the designated period of time begins to run, shall not be included. The last day of the period so computed is to be included unless it is a Saturday, Sunday, official Federal holiday or local legal holiday (if the action directly involves a foreign post) in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, official Federal holiday, or local legal holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays, official Federal holidays, and local legal holidays shall be excluded from the computations. When the regulations in this part require the filing of any paper, such document must be received by the designated recipient before the close of business of the last day of the time limit, if any, for such filing or extension of time that may have been granted. Whenever a party has the right or is required to do some act pursuant to the regulations in this part within a prescribed period after service of a notice or paper and the notice or paper is served on him by mail within the United States, three (3) days shall be added to the prescribed period or if outside the United States an appropriate amount of time: *Provided, however,* That such additional time may not be added if any extension of time may have been granted.

(g) When an act is required or allowed to be done at or within a specified time, the time period may be altered where it shall be manifest that strict adherence will work surprise or injustice or interfere with the proper effectuation of the order.

(h) The regulations in this part shall be construed liberally to effectuate the purposes and provisions of the order.

[FR Doc.72-6406 Filed 4-26-72;8:48 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Eligible Communities

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1914.4 List of eligible communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Alabama	Mobile	Chickasaw	I 01 097 0670 02	Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, AL 36104. Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, Ala. 36104.	Office of the City Clerk, Chickasaw City Hall, 224 North Craft Highway, Chickasaw, AL 36611.	Apr. 28, 1972.
California	Marin	Belvedere		do	do	Do.
Connecticut	Hartford	Hartford	I 09 003 0280 02 through I 09 003 0280 06	Department of Environmental Protection, Director of Water and Related Resources, Room 225 State Office Bldg, Hartford, Conn. 06115. Connecticut Insurance Department, State Capitol Bldg., 165 Capitol Ave., Hartford, CT 06115.	Commission of the City Plan, Fourth Floor, Municipal Bldg., 550 Main St., Hartford, CT 06103. Office of the City Clerk, First Floor, Municipal Bldg., 550 Main St., Hartford, CT 06103.	Do.
Georgia	Clayton	Unincorporated areas.		do	do	Do.
Illinois	Kankakee	do		do	do	Do.
Massachusetts	Norfolk	Holbrook	I 25 021 0488 02	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, MA 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, MA 02202.	Office of the Planning Board, Town Hall, Holbrook, Mass. 02343.	Do.
Minnesota	Nicollet	North Mankato	I 27 103 5280 02	Division of Waters, Soils, and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	City of North Mankato Municipal Bldg., 1001 Belgrade Ave., North Mankato, MN 56001.	Do.
Do	Washington	Lakeland Shores	I 27 163 3950 01	do	Office of the Mayor, Village of Lakeland Shores, Lakeland, Minn. 55043.	Do.
Missouri	Phelps	Newburg	I 29 161 5610 01	Water Resources Board, Post Office Box 271, Jefferson City, MO 65101. Division of Insurance, Post Office Box 690, Jefferson City, MO 65101.	Office of the City Clerk, City of Newburg, City H ll, Newburg, Mo. 65550.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: April 20, 1972.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72-6346 Filed 4-26-72;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Alabama	Mobile	Chickasaw	H 01 097 0670 02	Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, AL 36104. Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery. Ala. 36104.	Office of the City Clerk, Chickasaw City Hall, 224 North Craft Highway, Chickasaw, AL 36611.	Feb. 23, 1971.
California	Marin	Belvedere				Apr. 28, 1972.
Connecticut	Hartford	Hartford	H 09 003 0280 02 through H 09 003 0280 06.	Dept. of Environmental Protection, Director of Water and Related Resources, Room 225 State Office Bldg, Hartford, Conn. 06115. Connecticut Insurance Department, State Capitol Bldg., 165 Capitol Ave., Hartford, CT 06115.	Commission of the City Plan, Fourth Floor, Municipal Bldg., 550 Main St., Hartford, CT 06103. Office of the City Clerk, First Floor, Municipal Bldg., 550 Main St., Hartford, CT 06103.	July 1, 1970.
Georgia	Clayton	Unincorporated areas.				Apr. 28, 1972.
Illinois	Kankakee	do				Do.
Massachusetts	Norfolk	Holbrook	H 25 021 0488 02	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, MA 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, MA 02202.	Office of the Planning Board, Town Hall, Holbrook, Mass. 02343.	Aug. 7, 1970.
Minnesota	Nicollet	North Mankato	H 27 103 5280 02	Division of Waters, Soils, and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	City of North Mankato, Municipal Bldg., 1001 Belgrade Ave., North Mankato, MN 56001.	Nov. 6, 1970.
Do.	Washington	Lakeland Shores	H 27 163 3950 01	do	Office of the Mayor, Village of Lakeland Shores, Lakeland, Minn. 55043.	Apr. 8, 1971.
Missouri	Phelps	Newburg	H 29 161 5610 01	Water Resources Board, Post Office Box 271, Jefferson City, MO 65101. Division of Insurance, Post Office Box 690, Jefferson City, MO 65101.	Office of the City Clerk, City of Newburg, City Hall, Newburg, Mo. 65550.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: April 20, 1972.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72-6347 Filed 4-26-72;8:45 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER E—PESTICIDES PROGRAMS

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

Subpart D—Exemptions From Tolerances

N-(AMINOETHYL) ETHANOLAMINE SALT OF DODECYLBENZENE SULFONIC ACID

A petition (PP 1F1052) was filed by the Witco Chemical Corp., 400 North Michigan Avenue, Chicago, IL 60611, proposing establishment of an exemption from requirement of a tolerance for residues of the emulsifier *N*-(aminoethyl) ethanolamine salt of dodecylbenezene sulfonic acid when used as an inert ingredient in liquid emulsifiable herbicide concentrates.

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

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that the emulsifier is useful in pesticide formulations as proposed and exemption from the requirement of a tolerance will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.1001 is amended by alphabetically inserting a new item in the table in paragraph (d), as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(d) * * *

Inert ingredients	Limits	Uses
* * *	* * *	* * *
N-(Aminoethyl) ethanolamine salt of dodecylbenzene sulfonic acid.	For use only in liquid emulsifiable herbicide concentrates.	Do.
* * *	* * *	* * *

Any person who has registered or submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, within 30 days after publication hereof in the FEDERAL REGISTER, that this proposal be referred to an advisory committee in accordance with section 408(e) of the act.

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Environmental Protection Agency, Room

3125, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: April 21, 1972.

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

[FR Doc.72-6419 Filed 4-26-72;8:48 am]

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

Subpart D—Exemptions From Tolerances

PROPIONIC ACID

A petition (PP 2F1203) was filed by BP Chemical International Ltd., Devonshire House, Piccadilly, London, WIX 6AY, England, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of a tolerance for residues of the fungicide propionic acid in or on the raw agricultural commodities the grains of barley, corn, oats, sorghum, and wheat at 20,000 parts per million from postharvest application. Subsequently, it was concluded that an exemption from the requirement of a tolerance for residues of propionic acid would be appropriate based on the following facts:

1. Propionic acid is a natural component of rumen fluid ("Journal of Agricultural Food Chemistry," vol. 19, p. 1204 (1970)).

2. In nonruminates, propionic acid is one of the metabolic products of several of the amino acids normal to animals.

3. Propionic acid is present as a fermentation byproduct in alfalfa hay and is a normal constituent of other feeds and of the metabolic pools of mammals.

4. Propionic acid and/or its sodium salt are (is) generally regarded as safe or are (is) exempted from the requirement of a tolerance under §§ 180.2(a), 180.1001(c), 180.1015, 121.101(d) (Title 21), and 121.101(h) (Title 21).

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

Based on consideration given data submitted in the petition and other relevant material, it is concluded that the fungicide is useful for the purpose for which an exemption is being established and the exemption established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.304 is deleted from Subpart C and a new section is established in Subpart D to read as follows:

§ 180.1023 Propionic acid; exemption from the requirement of a tolerance.

Propionic acid is exempt from the requirement of a tolerance fo residues when used as a fungicide in or on the grains of barley, corn, oats, sorghum, and wheat from postharvest application. These grains are for use only as animal feeds.

Any person who has registered or submitted an application for the registration of an economic poiso under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, within 30 days after publication hereof in the FEDERAL REGISTER, that this proposal be referred to an advisory committee in accordance with section 409 (d) of the act.

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Environmental Protection Agency, Room 3125, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: April 21, 1972.

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

[FR Doc.72-6418 Filed 4-26-72;8:48 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 15—Environmental Protection Agency

PART 15-3—PROCUREMENT BY NEGOTIATION

Subpart 15-3.1—Use of Negotiation

DISSEMINATION OF PROCUREMENT INFORMATION

Section 15-3.103, dissemination of procurement information, is hereby added to Chapter 15, Title 41, of the Code of Federal Regulations. Interested parties and Government agencies are invited to submit written comments to the Director, Contracts Management Division, Environmental Protection Agency, Washington, D.C. 20460. Relevant comments will be considered and may be incorporated at a later date.

Effective date. This regulation will become effective on its date of publication in the FEDERAL REGISTER (4-27-72).

Dated: April 24, 1972.

WILLIAM D. RUCKELSHAUS,
Administrator.

§ 15-3.103 Dissemination of procurement information.

(a) Debriefing of unsuccessful offerors.

(1) *Purpose.* This section provides Environmental Protection Agency (EPA) policy and procedures for debriefing unsuccessful offerors in competitive negotiated procurements.

(2) *Policy.* (i) The policy of the EPA is to provide a debriefing, when requested in writing, to an offeror that has unsuccessfully competed for an EPA procurement. Exceptions to or deviations from debriefing policy and procedures will be approved by the Director, Contracts Management Division.

(ii) A debriefing is intended to:

(*a*) Tell an unsuccessful offeror which areas of his proposal were judged to be weak and deficient and whether the weaknesses or deficiencies were factors in his not having been selected;

(*b*) Identify the factors which were the basis for selection of the successful contractor. If the quality of his proposal to satisfy the mission requirement was the basis, the unsuccessful offeror should be so informed, and given a general comparison of significant areas but not a point-by-point comparison of all the elements considered in the evaluation criteria. If the successful offeror was selected on the basis of cost, the unsuccessful offeror should be told that such is the case. If selection was based on other factors, they should be specified.

(iii) If an unsuccessful offeror feels that his exclusion from the award was not justified, he will rely, at least in part, on the information given him in the debriefing to determine whether he should seek recourse against that exclusion. Accordingly, it is essential that a debriefing be conducted in a scrupulously fair, objective, and impartial manner, and that the information given the unsuccessful offeror be absolutely factual and consistent with the findings of the Contracting Officer and the basis on which he made his decision.

(iv) A debriefing should not reveal:

(*a*) Confidential business information, trade secrets, techniques, or processes of the other offerors; and

(*b*) The relative merits or technical standing of the unsuccessful offerors.

(3) *Procedures.* (i) Once a procurement action has been initiated, through the evaluation process, and even after the selection of a contractor, all contractor queries as to the relative merits of the submitted proposal shall be courteously but firmly directed to the appropriate procurement official. All other personnel will avoid exchange of comments with all offerors.

(ii) Promptly after making awards in any procurement in excess of $10,000, the Contracting Officer shall give written notice to the unsuccessful offerors that their proposals were not accepted. The notice should name the successful contractor and state the amount of the award. It is also permissible to give the number of proposals received, but not the prices quoted by other unsuccessful offerors. Upon request, unsuccessful offerors shall be furnished the reasons why their proposals were not accepted, in accordance with subparagraph (2) of this paragraph.

(iii) Any EPA employee who receives from an unsuccessful offeror a request, written or oral, for a debriefing shall immediately refer the request to the Director of the Contracting Operations. This official or his designee shall be present at all debriefings, and shall review written debriefings prior to release.

(iv) In come cases it may be necessary to arrange informal debriefings to contractor personnel by EPA evaluation participants. This determination will be made by, and meeting arrangements will be the responsibility of, the Director of the Contracting Operations.

(v) It is most important that all EPA personnel engaged in the evaluation and selection process be aware of the foregoing policies and procedures. Detailed and complete records will be maintained by key technical and business participants in a manner which will facilitate either a written or oral debriefing of any unsuccessful offeror's proposal.

(4) *Report.* When a debriefing is held, a brief report, summarizing the results of the debriefing, will be prepared and placed in the contract file.

(40 U.S.C. 486(c), sec. 205(c), 63 Stat. 377, as amended)

[FR Doc.72-6454 Filed 4-26-72;8:51 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 25]

CUSTOMS BONDS

Notice of Proposed Rule Making

Notice is hereby given that under the authority of sections 623 and 624 of the Tariff Act of 1930, as amended (19 U.S.C. 1623, 1624), it is proposed to amend Part 25 of the Customs Regulations by adding a new § 25.2 relating to the filing of a Bond Transcript in connection with Customs bonds in certain cases, and by amending subparagraphs (16), (19), and (25) of § 25.4(a) relating to Customs bonds which are approved by district directors of customs.

The amendments set forth below in proposed form are designed to enable the Bureau of Customs to institute an Automated Bond Information System in order to facilitate the processing of term bonds, to relieve the principals on such bonds where two or more ports of entry are involved of the burden of furnishing copies of those bonds for all ports of entry covered thereby, and to provide Customs officers current information regarding bonds and the charges that have been placed against them.

It is proposed to initiate this system with the automation of the following bonds:

1. Customs Form 7553—Immediate Delivery and Consumption Entry Bond (Term).
2. Customs Form 7563–A—Bond for Temporary Importations (Term).
3. Customs Form 7569—Vessel, Vehicle, or Aircraft Bond (Term).
4. Customs Form 7595—General Term Bond for Entry of Merchandise.
5. Customs Form 7599—Bond for Use in Connection with Requests for Overtime Services Made by or on behalf of Parties in Interest (Term).

Under the present procedure the bond principal identifies on each of the above-mentioned bonds the ports of entry (including Customs stations and places of Customs preclearance) at which the bond may be used. Under the proposed procedure, except for Customs Form 7553, which, as now, will cover entries only at a single port, the bond will be valid at all ports of entry (including Customs stations and places of Customs preclearance) at which transactions covered by the bond may be effected.

Present law (6 U.S.C. 7) requires that a surety company on a Federal bond appoint an agent for the service of process in each judicial district in which he does business. Many of the surety companies which hold certificates of authority as acceptable sureties on Federal bonds do not have agents for the service of process in each judicial district of the United States. In these circumstances, in order that no such surety company be prevented from writing the four types of Customs bonds which will be valid at all ports of entry, it is proposed to amend Customs Forms 7563–A, 7569, 7595, and 7599 when the automated system is instituted to include in each bond the condition that the surety agrees to accept service of process on the Clerk of the U.S. District Court in the judicial district where any entries thereunder are made in which it has failed to appoint an agent.

In order that bond data may be automated, a form of Bond transcript tentatively identified as Customs Form 53 will be required to be completed and filed with each of the above-mentioned bonds. The proposed form of Bond Transcript is as follows:

BOND TRANSCRIPT

Principal's name on bond:

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1. Principal's importer No.: _____.
2. Type of bond (Customs Form No.): _____.
3. Bond amount: _____.
4. Bond expiration date (MM/DD/YY): _____.
5. Surety No.: _____.
6. Surety's bond No.: _____.
7. Power of attorney Soc. Sec. No.: _____.
8. To terminate bond currently on file check here ☐. Complete all sections above only and submit with signed request from principal to terminate bond. Show requested date of termination: _____.
9. District/port location and code where bond filed: _____

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10. List below all additional names on the bond of principals, and those under which the principals do business as, including their importer number(s) and suffix:

Importer name	*Number*
_____	_____
_____	_____
_____	_____

Certification by Customs:

_____ _____
(Approved by) (District)

The Department of the Treasury.
Bureau of Customs.

To insure that the information with respect to each bond covered by this proposal can be sent to the Customs Data Center, Silver Spring, Md., and disseminated by computer printout to all ports of entry before the bond becomes effective, it is necessary to require that the bond and bond transcript be filed with a district director of customs at least 60 days prior to the date on which the bond is to become effective. This requirement for 60-day advance filing would also apply to requests for premature termination of bonds.

Under the present regulations the Temporary Importation Bond (Term) may be furnished in an amount as low as $1,000 if it is given to cover the entry of merchandise at only one port and in a minimum of $10,000 when the bond is to cover importations at more than one port. Since the Temporary Importation Bond when taken on a term basis under the automated procedure will be valid at all ports of entry, the minimum amount of the bond under the proposed amendment will be $10,000.

The terms of the proposed amendment are as follows:

Section 25.2 is added, reading:

§ 25.2 Bond Transcript.

(a) There shall be furnished to the district director of customs with each bond on Customs Forms 7553, 7563–A, 7569, 7595, and 7599 a completed Bond Transcript on Customs Form 53, in triplicate. The bond and bond transcript shall be furnished at least 60 days before the date on which the bond shows it is to become effective.

(b) Each request to terminate a bond of a type named in paragraph (a) of this section, before the expiration of the period covered by the bond shall be accompanied by a completed Customs Form 53, in triplicate, appropriately marked to show that it involves a request for bond termination. The termination shall take effect on the date requested if the request and bond transcript are filed at least 60 days in advance of the requested date. If they are not so filed, the termination shall take effect on the 60th day after receipt by the district director of customs of the request and bond transcript. A bond transcript shall also be required to terminate an existing bond when a superseding bond (also with appropriate bond transcript) is filed to take effect before completion of the period covered by the bond to be superseded.

§ 25.4 [Amended]

Section 25.4(a) is amended as follows:

1. Subparagraph (16) is amended to read:

(16) Term bond for temporary importations, Customs Form 7563–A, in the amount of $10,000 or such larger amount as may be fixed by the district director of customs at the port where the bond is filed.

2. Subparagraph (19) is amended by deleting the final sentence. As amended, subparagraph (19) reads as follows:

(19) Vessel, vehicle, or aircraft term bond, Customs Form 7569, in the amount of $10,000, or such larger amount as may be fixed by the district director of customs at the port where the bond is filed.

3. Subparagraph (25) is amended to read:

(25) General term bond for the entry of merchandise, Customs Form 7595, in the amount of $100,000, or such larger amount as may be fixed by the district

director of customs at the port where the bond will be filed. A principal desiring to execute this form of bond shall file with the district director an application for permission to file the bond. The application shall show the general character of the merchandise to be entered and the total amount of ordinary Customs duties (including any taxes required by law to be treated as duties) accruing on all merchandise imported by the principal during the calendar year preceding the date of the application, plus the estimated amount of any other tax or taxes on the merchandise collectible by the district director of customs. Such total amount of duties and taxes shall be that which would have been required to be deposited had the merchandise been entered for consumption, even though some or all of the merchandise may have been entered under bond. If no imports were made during the calendar year prior to the application, a statement of the duties and taxes it is estimated will accrue on all importations during the current year shall be submitted.

(Secs. 623, 624, 46 Stat. 759, as amended; 19 U.S.C. 1623, 1624)

Prior to the issuance of the proposed amendment, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington, D.C. 20226, and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

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

[SEAL] LEONARD LEHMAN,
Acting Commissioner of Customs.

Approved: April 14, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-6422 Filed 4-26-72;1:00 pm]

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Special Rules for Reduction of Creditable Foreign Taxes in the Case of Foreign Mineral Income

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by May 29, 1972. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by May 29, 1972. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their request for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

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

In order to conform the Income Tax Regulations (26 CFR Part 1) to section 901(e) of the Internal Revenue Code of 1954 (relating to taxes on foreign mineral income), as added by section 506(a) of the Tax Reform Act of 1969 (83 Stat. 634), and to section 904(b) of such Code (relating to election of overall limitation), as amended by section 506(b) of the Tax Reform Act of 1969 (83 Stat. 635), such regulations are amended as follows:

PARAGRAPH 1. Section 1.901 is amended to read as follows:

§ 1.901 Statutory provisions; taxes of foreign countries and of possessions of the United States.

SEC. 901. *Taxes of foreign countries and of possessions of the United States*—(a) *Allowance of credit.* If the taxpayer chooses to have the benefits of this subpart, the tax imposed by this chapter shall, subject to the applicable limitation of section 904, be credited with the amounts provided in the applicable paragraph of subsection (b) plus, in the case of a corporation, the taxes deemed to have been paid under sections 902 and 960. Such choice for any taxable year may be made or changed at any time before the expiration of the period prescribed for making a claim for credit or refund of the tax imposed by this chapter for such taxable year. The credit shall not be allowed against the tax imposed by section 56 (relating to minimum tax for tax preferences), against the tax imposed by section 531 (relating to the tax on accumulated earnings), against the additional tax imposed for the taxable year under section 1333 (relating to war loss recoveries) or under section 1351 (relating to recoveries of foreign expropriation losses), or against the personal holding company tax imposed by section 541.

(b) *Amount allowed.* Subject to the applicable limitation of section 904, the following amounts shall be allowed as the credit under subsection (a):

(1) *Citizens and domestic corporations.* In the case of a citizen of the United States and of a domestic corporation, the amount of any income, war profits, and excess profits taxes paid or accrued during the taxable year to any foreign country or to any possession of the United States; and

(2) *Resident of the United States or Puerto Rico.* In the case of a resident of the United States and in the case of an individual who is a bona fide resident of Puerto Rico during the entire taxable year, the amount of any such taxes paid or accrued during the taxable year to any possession of the United States; and

(3) *Alien resident of the United States or Puerto Rico.* In the case of an alien resident of the United States and in the case of an alien individual who is a bona fide resident of Puerto Rico during the entire taxable year, the amount of any such taxes paid or accrued during the taxable year to any foreign country; and

(4) *Nonresident alien individuals and foreign corporations.* In the case of any nonresident alien individual not described in section 876 and in the case of any foreign corporation, the amount determined pursuant to section 906; and

(5) *Partnerships and estates.* In the case of any individual described in paragraph (1), (2), (3), or (4), who is a member of a partnership or a beneficiary of an estate or trust, the amount of his proportionate share of the taxes (described in such paragraph) of the partnership or the estate or trust paid or accrued during the taxable year to a foreign country or to any possession of the United States, as the case may be.

(c) *Similar credit required for certain alien residents.* Whenever the President finds that—

(1) A foreign country, in imposing income, war profits, and excess profits taxes, does not allow to citizens of the United States residing in such foreign country a credit for any such taxes paid or accrued to the United States or any foreign country, as the case may be, similar to the credit allowed under subsection (b)(3),

(2) Such foreign country, when requested by the United States to do so, has not acted to provide such a similar credit to citizens of the United States residing in such foreign country, and

(3) It is in the public interest to allow the credit under subsection (b)(3) to citizens or subjects of such foreign country only if it allows such a similar credit to citizens of the United States residing in such foreign country, the President shall proclaim that, for taxable years beginning while the proclamation remains in effect, the credit under subsection (b)(3) shall be allowed to citizens or subjects of such foreign country only if such foreign country, in imposing income, war profits, and excess profits taxes, allows to citizens of the United States residing in such foreign country such a similar credit.

(d) *Corporations treated as foreign.* For purposes of this subpart, the following corporations shall be treated as foreign corporations:

(1) A corporation entitled to the benefits of section 931, by reason of receiving a large percentage of its gross income from sources within a possession of the United States; and

(2) A corporation organized under the China Trade Act, 1922 (15 U.S.C., chapter 4), and entitled to the deduction provided in section 941.

(e) *Foreign taxes on mineral income*—(1) *Reduction in amount allowed.* Notwithstanding subsection (b), the amount of any income, war profits, and excess profits taxes paid or accrued during the taxable year to any foreign country or possession of the United States with respect to foreign mineral income from sources within such country or possession which would (but for this paragraph) be allowed under such subsection shall be reduced by the amount (if any) by which—

(A) The amount of such taxes (or, if smaller, the amount of the tax which would be computed under this chapter with respect to such income determined without the deduction allowed under section 613), exceeds

(B) The amount of the tax computed under this chapter with respect to such income.

(2) *Foreign mineral income defined.* For purposes of paragraph (1), the term "foreign mineral income" means income derived from the extraction of minerals from mines, wells, or other natural deposits, the processing of such minerals into their primary products, and the transportation, distribution, or sale of such minerals or primary products. Such term includes, but is not limited to—

(A) Dividends received from a foreign corporation in respect of which taxes are deemed paid by the taxpayer under section 902, to the extent such dividends are attributable to foreign mineral income, and

(B) That portion of the taxpayer's distributive share of the income of partnerships attributable to foreign mineral income.

(f) *Cross reference* (1) For deductions of income, war profits, and excess profits taxes paid to a foreign country or a possession of the United States, see sections 164 and 275.

(2) For right of each partner to make election under this section, see section 703(b).

(3) For right of estate or trust to the credit for taxes imposed by foreign countries and possession of the United States under this section, see section 642(a)(2).

(4) For reduction of credit for failure of a U.S. person to furnish certain information with respect to a foreign corporation controlled by him, see section 6038.

[Sec. 901 as amended by sec. 3 (a) and (b), Act of Sept. 14, 1960 (Public Law 86-780, 74 Stat. 1013); secs. 9(d)(3) and 12(b)(1), Rev. Act 1962 (76 Stat. 1001, 1031); sec. 207(b)(7), Rev. Act 1964 (78 Stat. 42); sec. 1(c)(2), Act of April 8, 1966 (Public Law 89-384, 80 Stat. 102); sec. 106 (a) (4) and (5) and (b)(1) and (2), Foreign Investors Tax Act 1966 (80 Stat. 1569); secs. 301(b)(9) and 506(a)(1) and (2), Tax Reform Act 1969 (83 Stat. 585, 634)]

PAR. 2. Section 1.901-2 is amended by revising paragraph (a) to read as follows:

§ 1.901-2 Definitions.

(a) The term "amount of any income, war profits, and excess profits taxes paid or accrued during the taxable year" means taxes proper, paid or accrued during the taxable year on behalf of the taxpayer claiming credit. No credit is given for amounts representing interest or penalties. For reduction in the amount of such taxes paid or accrued with respect to foreign mineral income, see section 901(e) and § 1.901-3.

* * * * *

PAR. 3. The following new section is added immediately after § 1.901-2:

§ 1.901-3 Reduction in amount of foreign taxes on foreign mineral income allowed as a credit.

(a) *Determination of amount of reduction*—(1) *In general.* For purposes of determining the amount of taxes which are allowed as a credit under section 901 (a) for taxable years beginning after December 31, 1969, the amount of any income, war profits, and excess profits taxes paid or accrued, or deemed to be paid under section 902, during the taxable year to any foreign country or possession of the United States with respect to foreign mineral income (as defined in paragraph (b) of this section) from sources within such country or possession shall be reduced by the amount, if any, by which—

(i) The smaller of—

(*a*) The amount of such foreign income, war profits, and excess profits taxes, or

(*b*) The amount of the tax which would be computed under chapter 1 of the Code for such year with respect to such foreign mineral income if the deduction for depletion were determined under section 611 without regard to the deduction for percentage depletion under section 613, exceeds

(ii) The amount of the tax computed under chapter 1 of the Code for such year with respect to such foreign mineral income.

The reduction required by this subparagraph must be made on a country-by-country basis whether the taxpayer uses for the taxable year the per-country limitation under section 904(a)(1), or the overall limitation under section 904(a)(2), on the amount of taxes allowed as credit under section 901(a).

(2) *Determination of amount of tax on foreign mineral income*—(i) *Foreign tax.* For purposes of subparagraph (1)(i)(*a*) of this paragraph, the amount of the income, war profits, and excess profits taxes paid or accrued during the taxable year to a foreign country or possession of the United States with respect to foreign mineral income from sources within such country or possession is an amount which is the greater of—

(*a*) The amount by which the total amount of the income, war profits, and excess profits taxes paid or accrued during the taxable year to such country or possession exceeds the amount of such taxes that would be paid or accrued for such year to such country or possession without taking into account such foreign mineral income, or

(*b*) The amount of the income, war profits, and excess profits taxes that would be paid or accrued to such country or possession if such foreign mineral income were the taxpayer's only income for the taxable year,

except that in no case shall the amount so determined exceed the total of all income, war profits, and excess profits taxes paid or accrued during the taxable year to such country or possession. For such purposes taxes which are paid or accrued also include taxes which are deemed paid under section 902. In the case of a dividend described in paragraph (b)(2)(i)(*a*) of this section which is from sources within a foreign country or possession of the United States and is attributable in whole or in part to foreign mineral income, the amount of the income, war profits, and excess profits taxes deemed paid under section 902 during the taxable year to such country or possession with respect to foreign mineral income from sources within such country or possession is an amount which bears the same ratio to the amount of the income, war profits, and excess profits taxes deemed paid under section 902 during such year to such country or possession with respect to such dividend as the portion of the dividend which is attributable to foreign mineral income bears to the total dividend. For purposes of (*a*) and (*b*) of this subdivision, foreign mineral income is to be reduced by any credits, expenses, losses, and other deductions which are properly allocable to such income under the law of the foreign country or possession of the United States from which such income is derived.

(ii) *U.S. tax.* For purposes of subparagraph (1)(ii) of this paragraph, the amount of the tax computed under chapter 1 of the Code for the taxable year with respect to foreign mineral income from sources within a foreign country or possession of the United States is the greater of—

(*a*) The amount by which the tax under chapter 1 of the Code on the taxpayer's taxable income for the taxable year exceeds a tax determined under such chapter on the taxable income for such year determined without regard to such foreign mineral income, or

(*b*) The amount of tax that would be determined under chapter 1 of the Code if such foreign mineral income were the taxpayer's only income for the taxable year.

For purposes of this subdivision the tax is to be determined without regard to any credits against the tax and without taking into account any tax against which a credit is not allowed under section 901(a). Moreover, the foreign mineral income is to be reduced only by expenses, losses, and other deductions properly allocable under chapter 1 of the Code to such income. However, the foreign mineral income is to be computed without any deduction for personal exemptions under section 151 or 642(b).

(iii) *U.S. income tax computed without deduction allowed by section 613.* For purposes of subparagraph (1)(i)(*b*) of this paragraph, the amount of the tax which would be computed under chapter 1 of the Code (without regard to section 613) for the taxable year with respect to foreign mineral income from sources within a foreign country or possession of the United States is the amount of the tax on such income that would be computed under such chapter by using as the allowance for depletion cost depletion computed upon the adjusted depletion basis of the property. For purposes of this subdivision the tax is to be determined without regard to any credits against the tax and without taking into account any tax against which credit is not allowed under section 901(a). If the greater tax with respect to the foreign mineral income under subdivision (ii) of this subparagraph is the tax determined under (*a*) of such subdivision, the tax determined for purposes of subparagraph (1)(i)(*b*) of this paragraph is to be determined by applying the principles of (*a*) (rather than of (*b*)) of subdivision (ii) of this subparagraph. On the other hand, if the greater tax with respect to the foreign mineral income under subdivision (ii) of this subparagraph is the tax determined under (*b*) of such subdivision, the tax determined for purposes of subparagraph (1)(i)(*b*) of this paragraph is to be determined by applying the principles

of (b) (rather than of (a)) of subdivision (ii) of this subparagraph.

(3) *Special rules.* (i) The reduction required by this paragraph in the amount of taxes paid, accrued, or deemed to be paid to a foreign country or possession of the United States applies only where the taxpayer is allowed a deduction for percentage depletion under section 613 with respect to any part of his foreign mineral income for the taxable year from sources within such country or possession, whether or not such deduction is allowed with respect to the entire foreign mineral income from sources within such country or possession for such year.

(ii) For purposes of this section, the term "foreign country" or "possession of the United States" includes the adjacent continental shelf areas to the extent, and in the manner, provided by section 638 (2) and the regulations thereunder.

(iii) The provisions of this section are to be applied before making any reduction required by section 1503(b) in the amount of income, war profits, and excess profits taxes paid or accrued to foreign countries or possessions of the United States by a Western Hemisphere trade corporation.

(iv) In all cases in which a taxpayer has any foreign mineral income from sources within a foreign country or possession of the United States with respect to which the deduction under section 613 is allowed, he must attach to his return a schedule showing the computations required by subdivisions (i), (ii), and (iii) of subparagraph (2) of this paragraph.

(v) A taxpayer who has elected to use the overall limitation under section 904 (a)(2) on the amount of the foreign tax credit for any taxable year beginning before January 1, 1970, may, for his first taxable year beginning after December 31, 1969, revoke his election without first securing the consent of the Commissioner. See paragraph (d) of § 1.904–1.

(b) *Foreign mineral income defined*—(1) *In general.* The term "foreign mineral income" means income (determined under chapter 1 of the Code) from sources within a foreign country or possession of the United States derived from—

(i) The extraction of minerals from mines, wells, or other natural deposits,

(ii) The processing of minerals into their primary products, or

(iii) The transportation, distribution, or sale of minerals or of the primary products derived from minerals.

Any income of the taxpayer derived from an activity described in either subdivision (i), (ii), or (iii) of this subparagraph is foreign mineral income, since it is not necessary that the taxpayer extract, process, and transport, distribute, or sell minerals or their primary products for the income derived from any such activity to be foreign mineral income. Thus, for example, an integrated oil company must treat as foreign mineral income from sources within a foreign country or possession of the United States all income from such sources derived from the production of oil, the refining of crude oil into gasoline, the distribution of gasoline to marketing outlets, and the retail sale of gasoline. Similarly, income from such sources from the refining, distribution, or marketing of fuel oil by the taxpayer is foreign mineral income, whether or not the crude oil was extracted by the taxpayer. In further illustration, income from sources within a foreign country or possession of the United States derived from the processing of minerals into their primary products by the taxpayer is foreign mineral income, whether or not the minerals were extracted, or the primary products were sold, by the taxpayer. Section 901 (e) and this section apply whether or not the extraction, processing, transportation, distribution, or selling of the minerals or primary products is done by the taxpayer. Thus, for example, an individual who derives royalty income from the extraction of oil from an oil well in a foreign country has foreign mineral income for purposes of this paragraph. Income from the manufacture, distribution, and marketing of petrochemicals is not foreign mineral income. Foreign mineral income is not limited to gross income from the property within the meaning of section 613(c) and § 1.613–3.

(2) *Income included in foreign mineral income*—(i) *In general.* Foreign mineral income from sources within a foreign country or possession of the United States includes, but is not limited to—

(*a*) Dividends from such sources, as determined under paragraph (d)(1) of § 1.902–3, received from a foreign corporation in respect of which taxes are deemed paid by the taxpayer under section 902, to the extent such dividends are attributable to foreign mineral income described in subparagraph (1) of this paragraph. The portion of such a dividend which is attributable to such income is that amount which bears the same ratio to the total dividend received as the earnings and profits out of which such dividend is paid that are attributable to foreign mineral income bear to the total earnings and profits out of which such dividend is paid. For such purposes, the foreign mineral income of a foreign corporation is its foreign mineral income described in this paragraph (including any dividends described in this (*a*) which are received from another foreign corporation), whether or not such income is derived from sources within the foreign country or possession of the United States in which, or under the laws of which, the former corporation is created or organized. A foreign corporation is considered to have no foreign mineral income for any taxable year beginning before January 1, 1970.

(*b*) Any section 78 dividend to which a dividend described in (*a*) of this subdivision gives rise, but only to the extent such section 78 dividend is deemed paid under paragraph (*a*)(2)(i) of this section with respect to foreign mineral income from sources within such country or possession and to the extent it is treated under paragraph (d)(1) of § 1.902–3 as income from sources within such country or possession.

(c) Any amounts includible in income of the taxpayer under section 702(a) as his distributive share of the income of a partnership consisting of income described in subparagraph (1) of this paragraph.

(*d*) Any amounts includible in income of the taxpayer by virtue of section 652 (a), 662(a), 671, 682(a), or 691(a), to the extent such amounts consist of income described in subparagraph (1) of this paragraph.

(ii) *Illustration.* The provisions of this subparagraph may be illustrated by the following example:

Example. (a) Throughout 1974, M, a domestic corporation, owns all the one class of stock of N, a foreign corporation which is not a less developed country corporation within the meaning of section 902(d). Both corporations use the calendar year as the taxable year. N is incorporated in foreign country Y. During 1974, N has income from sources within foreign country X, all of which is foreign mineral income. During 1974, N also has income from sources within country Y, none of which is foreign mineral income. N is taxed in each foreign country only on income derived from sources within that country. Neither country X nor country Y allows a credit against its tax for foreign income taxes. N pays a dividend of $40,000 to M for 1974. For purposes of section 902, the dividend is paid from earnings and profits for 1974.

(b) N's earnings and profits and taxes for 1974 are determined as follows:

Foreign mineral income from country X		$100,000
Less:		
Intangible drilling and development costs	$21,000	
Cost depletion	3,000	24,000
Taxable income from country X		76,000
Income tax rate of country X		×50%
Tax paid to country X		38,000
Income from country Y		100,000
Less deductions		25,000
Taxable income from country Y		75,000
Income tax rate of country Y		×60%
Tax paid to country Y		45,000
Total taxable income		151,000
Less total foreign income taxes		83,000
Total earnings and profits		68,000
Taxable income from foreign mineral income		76,000
Less: Tax paid on foreign mineral income		38,000
Earnings and profits from foreign mineral income		38,000

(c) For 1974, M has foreign mineral income from country Y of $49,636.68, determined in the following manner and by applying this section, § 1.78–1, and § 1.902–3(d)(1):

Portion of dividend from country Y attributable to foreign mineral income (subdivision (i)(*a*) of this subparagraph) ($40,000×$38,000/$68,000)	$22,352.94
Foreign income tax deemed paid by M to country Y under section 902(a)(1) ($83,000×$40,000/$68,000) (§ 1.902–3(a)(2))	48,823.53

Foreign income tax deemed paid by M to country Y with respect to foreign mineral income from country Y (paragraph (a)(2)(i) of this section) ($48,823.53 × $22,352.94/$40,000)	$27,283.74
Foreign mineral income from country Y:	
Dividend attributable to foreign mineral income from country Y	22,352.94
Sec. 78 dividend deemed paid with respect to foreign mineral income (subdivision (i)(b) of this subparagraph	27,283.74
Total foreign mineral income	49,636.68

(c) *Limitations on foreign tax credit*—(1) *In general.* The reduction under section 901(e) and paragraph (a)(1) of this section in the amount of foreign taxes allowed as a credit under section 901(a) is to be made whether the per-country limitation under section 904(a)(1) or the overall limitations under section 904(a)(2) is used for the taxable year, but the reduction in the amount of foreign taxes allowed as a credit under section 901(a) must be made on a country-by-country basis before applying the limitation under section 904(a) to the reduced amount of taxes. If for the taxable year the separate limitation under section 904(f) applies to any foreign mineral income, that limitation must also be applied after making the reduction under section 901(e) and paragraph (a)(1) of this section.

(2) *Carrybacks and carryovers of excess tax paid*—(i) *In general.* Any amount by which (*a*) any income, war profits, and excess profits taxes paid or accrued, or deemed to be paid under section 902, during the taxable year to any foreign country or possession of the United States with respect to foreign mineral income from sources within such country or possession exceed (*b*) the reduced amount of such taxes as determined under paragraph (a)(1) of this section may not be deemed paid or accrued under section 904(d) in any other taxable year. See § 1.904–2(b)(2)(iii). However, to the extent such reduced amount of taxes exceeds the applicable limitation under section 904(a) for the taxable year it shall be deemed paid or accrued under section 904(d) in another taxable year as a carryback or carryover of an unused foreign tax. The amount so deemed paid or accrued in another taxable year is not, however, deemed paid or accrued with respect to foreign mineral income in such other taxable year. See § 1.904–2(c)(3).

(ii) *Carryovers to taxable years beginning after December 31, 1969.* Where, under the provisions of section 904(d), taxes paid or accrued, or deemed to be paid under section 902, to any foreign country or possession of the United States in any taxable year beginning before January 1, 1970, are deemed paid or accrued in one or more taxable years beginning after December 31, 1969, the amount of such taxes so deemed paid or accrued shall not be deemed paid or accrued with respect to foreign mineral income and shall not be reduced under section 901(e) and paragraph (a)(1) of this section.

(iii) *Carrybacks to taxable years beginning before January 1, 1970.* Where income, war profits, and excess profits taxes are paid or accrued, or deemed to be paid under section 902, to any foreign country or possession of the United States in any taxable year beginning after December 31, 1969, with respect to foreign mineral income from sources within such country or possession, they must first be reduced under section 901(e) and paragraph (a)(1) of this section before they may be deemed paid or accrued under section 904(d) in one or more taxable years beginning before January 1, 1970.

(d) *Illustrations.* The application of this section may be illustrated by the following examples, in which the surtax exemption provided by section 11(d) and the tax surcharge provided by section 51(a) are disregarded for purposes of simplification:

Example (1). (a) M, a domestic corporation using the calendar year as the taxable year, is an operator drilling for oil in foreign country W. For 1971, M's gross income under chapter 1 of the Code is $100,000, all of which is foreign mineral income from a property in country W and is subject to the allowance for depletion. During 1971, M incurs intangible drilling and development costs of $15,000, which are currently deductible for purposes of the tax of both countries. Cost depletion amounts to $2,000 for purposes of the tax of both countries, and only cost depletion is allowed as a deduction under the law of country W. It is assumed that no other deductions are allowable under the law of either country. Based upon the facts assumed, the income tax paid to country W on such foreign mineral income is $41,500, and the U.S. tax on such income before allowance of the foreign tax credit is $30,240, determined as follows:

	U.S. tax	*W tax*
Foreign mineral income	$100,000	$100,000
Less:		
Intangible drilling and development costs	15,000	15,000
Cost depletion	------	2,000
Percentage depletion (22% of $100,000, but not to exceed 50% of $85,000)	22,000	------
Taxable income	63,000	83,000
Income tax rate	48%	50%
Tax	30,240	41,500

(b) Without taking this section into account, M would be allowed a foreign tax credit for 1971 of $30,240 ($30,240×$63,000/$63,000), and foreign income tax in the amount of $11,260 ($41,500 less $30,240) would first be carried back to 1969 under section 904(d).

(c) Pursuant to paragraph (a)(1) of this section, however, the foreign income tax allowable as a credit against the U.S. tax is reduced to $31,900, determined as follows:

Foreign income tax paid on foreign mineral income		$41,500
Less reduction under sec. 901(e):		
Smaller of $41,500 (tax paid to country W on foreign mineral income) or $39,840 (U.S. tax on foreign mineral income of $83,000 ($83,000×48%), determined by by deducting cost depletion of $2,000 in lieu of percentage depletion of $22,000)	$39,840	
Less: U.S. tax on foreign mineral income (before credit)	$30,240	$9,600
Foreign income tax allowable as a credit		31,900

(d) After taking this section into account, M is allowed a foreign tax credit for 1971 of $30,240 ($30,240×$63,000/$63,000). The amount of foreign income tax which may be first carried back to 1969 under section 904(d) is reduced from $11,260 to $1,660 ($31,900 less $30,240).

Example (2). (a) M, a domestic corporation using the calendar year as the taxable year, is an operator drilling for oil in foreign country X. For 1972, M has gross income under chapter 1 of the Code of $100,000, all of which is foreign mineral income from a property in country X and is subject to the allowance depletion. During 1972, M incurs intangible drilling and development costs of $50,000 which are currently deductible for purposes of the U.S. tax but which must be amortized for purposes of the tax of country X. Percentage depletion of $22,000 is allowed as a deduction by both countries. For purposes of the U.S. tax, cost depletion for 1972 amounts to $15,000. It is assumed that no other deductions are allowable under the law of either country. Based upon these facts, the income tax paid to country X on such foreign mineral income is $27,200, and the U.S. tax on such income before allowance of the foreign tax credit is $13,440, determined as follows:

	U.S. tax	*X tax*
Foreign mineral income	$100,000	$100,000
Less:		
Intangible drilling & development costs	50,000	10,000
Percentage depletion	22,000	22,000
Taxable income	28,000	68,000
Income tax rate	48%	40%
Tax	13,440	27,200

(b) Without taking this section into account, M would be allowed a foreign tax credit for 1972 of $13,440 ($13,440×$28,000/$28,000), and foreign income tax in the amount of $13,760 ($27,200 less $13,440) would first be carried back to 1970 under section 904(d).

(c) Pursuant to paragraph (a)(1) of this section, however, the foreign income tax allowable as a credit against the U.S. tax is reduced to $23,840, determined as follows:

Foreign income tax paid on foreign mineral income		$27,200
Less reduction under sec. 901(e):		
Smaller of $27,200 (tax paid to country X on foreign mineral income) or $16,800 (U.S. tax on foreign mineral income of $35,000 ($35,000×48%), determined by deducting cost depletion of $15,000 in lieu of percentage depletion of $22,000)	$16,800	
Less: U.S. tax on foreign mineral income (before credit)	13,440	3,360
Foreign income tax allowable as a credit		23,840

(d) After taking this section into account, M is allowed a foreign tax credit of $13,440 ($13,440×$28,000/$28,000). The amount of foreign income tax which may be first carried back to 1970 under section 904(d) is reduced from $13,760 to $10,400 ($23,840 less $13,440).

Example (3). (a) N, a domestic corporation using the calendar year as the taxable year, is an operator drilling for oil in foreign

country Y. For 1972, N's gross income under chapter 1 of the Code is $100,000, all of which is foreign mineral income from a property in country Y and is subject to the allowance for depletion. During 1972, N incurs intangible drilling and development costs of $15,000, which are currently deductible for purposes of the U.S. tax but are not deductible under the law of country Y. Depreciation of $40,000 is allowed as a deduction for purposes of the U.S. tax; and of $20,000 for purposes of the Y tax. Cost depletion amounts to $10,000 for purposes of the tax of both countries, and only cost depletion is allowed as a deduction under the law of country Y. It is assumed that no other deductions are allowable under the law of either country. Based upon the facts assumed, the income tax paid to country Y on such foreign mineral income is $14,000, and the U.S. tax on such income before allowance of the foreign tax credit is $11,040, determined as follows:

	U.S. tax	*Y tax*
Foreign mineral income	$100,000	$100,000
Less:		
Intangible drilling and development costs	15,000	------
Depreciation	40,000	20,000
Cost depletion	------	10,000
Percentage depletion (22% of $100,000, but not to exceed 50% of $45,000)	22,000	------
Taxable income	23,000	70,000
Income tax rate	48%	20%
Tax	11,040	14,000

(b) Without taking this section into account, N would be allowed a foreign tax credit for 1972 of $11,040 ($11,040×$23,000/$23,000), and foreign income tax in the amount of $2,960 ($14,000 less $11,040) would first be carried back to 1970 under section 904(d).

(c) Pursuant to paragraph (a)(1) of this section, however, the foreign income tax allowable as a credit against the U.S. tax is reduced to $11,040, determined as follows:

Foreign income tax paid on foreign mineral income		$14,000
Less reduction under sec. 901(e):		
Smaller of $14,000 (tax paid to country Y on foreign mineral income) or $16,800 (U.S. tax on foreign mineral income of $35,000 ($35,000 × 48%), determined by deducting cost depletion of $10,000 in lieu of percentage depletion of $22,000)	$14,000	
Less: U.S. tax on foreign mineral income (before credit)	11,040	2,960
Foreign income tax allowable as a credit		11,040

(d) After taking this section into account, N is allowed a foreign tax credit for 1972 of $11,040 ($11,040×$23,000/$23,000), but no foreign income tax is carried back to 1970 under section 904(d) since the allowable credit of $11,040 does not exceed the limitation of $11,040.

Example (4). (a) D, a domestic corporation using the calendar year as the taxable year, is an operator drilling for oil in foreign country Z. For 1971, D's gross income under chapter 1 of the Code is $100,000, all of which is foreign mineral income from a property in country Z and is subject to the allowance for depletion. During 1971, D incurs intangible drilling and development costs of $85,000, which are currently deductible for purposes of the U.S. tax but are not deductible under the law of country Z. Cost depletion in the amount of $10,000 is allowed as a deduction for purposes of both the U.S. tax and the tax of country Z. Percentage depletion is not allowed as a deduction under the law of country Z and is not taken as a deduction for purposes of the U.S. tax. It is assumed that no other deductions are allowable under the law of either country. Based upon the facts assumed, the income tax paid to country Z on such foreign mineral income is $27,000, and the U.S. tax on such income before allowance of the foreign tax credit is $2,400, determined as follows:

	U.S. tax	*Z tax*
Foreign mineral income	$100,000	$100,000
Less:		
Intangible drilling & development costs	85,000	------
Cost depletion	10,000	10,000
Taxable income	5,000	90,000
Income tax rate	48%	30%
Tax	2,400	27,000

(b) Section 901(e) and this section do not apply to reduce the amount of the foreign income tax paid to country Z with respect to the foreign mineral income since for 1971 D is not allowed the deduction for percentage depletion with respect to any foreign mineral income from sources within country Z. Accordingly, D is allowed a foreign tax credit of $2,400 ($2,400×$5,000/$5,000), and foreign income tax in the amount of $24,600 ($27,000 less $2,400) is first carried back to 1969 under section 904(d).

Example (5). (a) R, a domestic corporation using the calendar year as the taxable year, is an operator drilling for oil in the United States and in foreign country Z. For 1971, R's gross income under chapter 1 of the Code is $250,000, of which $100,000 is foreign mineral income from a property in foreign country Z and $150,000 is from a property in the United States, all being subject to the allowance for depletion. During 1971, R incurs intangible drilling and development costs of $125,000 in the United States and of $25,000 in country Z, all of which are currently deductible for purposes of the U.S. tax. Of these costs of $25,000 incurred in country Z, only $2,500 is currently deductible under the law of country Z. Cost depletion in the case of the U.S. property amounts to $60,000; and in the case of the property in country Z, to $5,000, which is allowed as a deduction under the laws of such country. Percentage depletion is not allowed as a deduction under the law of country Z. In computing the U.S. tax for 1971, R is required to use cost depletion with respect to the mineral income from the U.S. property and percentage depletion with respect to the foreign mineral income from the property in country Z. It is assumed that no other deductions are allowed under the law of either country. Based upon the facts assumed, the income tax paid to country Z on the foreign mineral income from sources therein is $37,000, and the U.S. tax on the entire mineral income before allowance of the foreign tax credit is $8,640, determined as follows:

	U.S. tax	*Z tax*
Gross income (including foreign mineral income)	$250,000	$100,000
Less:		
Intangible drilling and development costs	150,000	2,500
Cost depletion	60,000	5,000
Percentage depletion on foreign mineral income (22% of $100,000, but not to exceed 50% of [$100,000—$25,000])	22,000	------
Taxable income	$18,000	$92,500
Income tax rate	48%	40%
Tax	8,640	37,000

(b) Without taking this section into account, R would be allowed a foreign tax credit for 1971 of $8,640 ($8,640×$18,000/$18,000), and foreign income tax in the amount of $28,360 ($37,000 less $8,640) would first be carried back to 1969 under section 904(d).

(c) Under paragraph (a)(2)(ii) of this section, the amount of the U.S. tax for 1971 with respect to foreign mineral income from country Z is $25,440, which is the greater of the amounts of tax determined under subparagraphs (1) and (2):

(1) U.S. tax on total taxable income in excess of U.S. tax on taxable income excluding foreign mineral income from country Z (determined under paragraph (a)(2)(ii)(*a*) of this section):

U.S. tax on total taxable income		$8,640
Less U.S. tax on taxable income other than foreign mineral income from country Z:		
Income from U.S. property	$150,000	
Intangible drilling and development costs	125,000	
Cost depletion	60,000	
Taxable income	0	
Income tax rate	48%	
U.S. tax	0	0
Excess tax		8,640

(2) U.S. tax on foreign mineral income from country Z (determined under paragraph (a)(2)(ii)(*b*) of this section):

Foreign mineral income	$100,000
Intangible drilling and development costs	25,000
Percentage depletion (22% of $100,000, but not to exceed 50% of $75,000)	22,000
Taxable income	53,000
Income tax rate	48%
U.S. tax	25,440

(d) Under paragraph (a)(2)(iii) of this section, the amount of the U.S. tax which would be computed for 1971 (without regard to section 613) with respect to foreign mineral income from sources within country Z is $33,600, computed by applying the principles of paragraph (a)(2)(ii)(*b*) of this section:

Foreign mineral income	$100,000
Intangible drilling and development costs	25,000
Cost depletion	5,000
Taxable income	70,000
Income tax rate	48%
U.S. tax	33,600

(e) Pursuant to paragraph (a)(1) of this section, the foreign income tax allowable as a credit against the U.S. tax for 1971 is reduced to $28,840, determined as follows:

Foreign income tax paid on foreign mineral income		$37,000
Less reduction under sec. 901(e):		
Smaller of $37,000 (tax paid to country Z on foreign mineral income) or $33,600 (U.S. tax on foreign mineral income of $70,000, as determined under paragraph (d) of this example	$33,600	
Less: U.S. tax on foreign mineral income of $53,000, as determined under paragraph (c) of this example	25,440	8,160

Foreign income tax allowable as a credit	$28,840

(f) After taking this section into account, R is allowed a foreign tax credit for 1971 of $8,640 ($8,640×$18,000/$18,000). The amount of foreign income tax which may be first carried back to 1969 under section 904(d) is reduced from $28,360 to $20,200 ($28,840 less $8,640).

Example (6). (a) B, a single individual using the calendar year as the taxable year, is an operator drilling for oil in foreign countries X and Y. For 1972, B's gross income under chapter 1 of the Code is $250,000, of which $150,000 is foreign mineral income from a property in country X and $100,000 is foreign mineral income from a property in country Y, all being subject to the allowance for depletion. The asumption is made that B's earned taxable income for 1972 is insufficient to cause section 1348 to apply. During 1972, B incurs intangible drilling and development costs of $16,000 in country X and of $9,000 in country Y, which are currently deductible for purposes of both the U.S. tax and the tax of countries X and Y, respectively. Cost depletion in the case of the X property amounts to $8,000, and in the case of Y property, to $7,000; and such amounts are allowed as a deduction for purposes of both the U.S. tax and the tax of countries X and Y, respectively. For 1972, B uses the overall limitation under section 904(a)(2) on the foreign tax credit. Percentage depletion is not allowed as a deduction under the law of countries X and Y. It is assumed that the only other allowable deductions amount to $2,250. None of these deductions is attributable to the income from the properties in countries X and Y, and none is deductible under the laws of country X or country Y. Based upon the facts assumed, the income tax paid to countries X and Y on the foreign mineral income from each such country is $71,820 and $25,200, respectively, and the U.S. tax on B's total taxable income before allowance of the foreign tax credit is $99,990, determined as follows:

	U.S. tax	X tax	Y tax
Total income (including foreign mineral income from countries X and Y)	$250,000	$150,000	$100,000
Intangible drilling and development costs	25,000	16,000	9,000
Cost depletion		8,000	7,000
Percentage depletion (22% of $150,000, but not to exceed 50% of $134,000; plus 22% of $100,000, but not to exceed 50% of $91,000)	55,000		
Adjusted gross income	170,000		
Other deductions	2,250		
Personal exemption	750		
Taxable income	167,000	126,000	84,000
Income tax rate		57%	30%
Foreign tax		71,820	25,200
U.S. tax ($53,090 plus 70% of $67,000)	99,990		

(b) Without taking this section into account, B would be allowed a foreign tax credit for 1972 of $97,020 ($71,820+$25,200), but not to exceed the overall limitation under section 904(a)(2) of $99,990 ($99,990 ×$167,750/$167,750). There would be no foreign income tax carried back to 1970 under section 904(d) since the allowable credit of $97,020 does not exceed the limitation of $99,990.

(c) Under paragraph (a)(2)(ii) of this section, the amount of the U.S. tax for 1972 with respect to foreign mineral income from sources within country X is $69,760, which is the greater of the amounts of tax determined under subparagraphs (1) and (2):

(1) U.S. tax on total taxable income in excess of U.S. tax on taxable income excluding foreign mineral income from country X (determined under paragraph (a)(2)(ii)(*a*) of this section):

U.S. tax on total taxable income		$99,990
Less U.S. tax on taxable income other than foreign mineral income from country X:		
Foreign mineral income from country Y	$100,000	
Intangible drilling and development costs	9,000	
Percentage depletion (22% of $100,000, but not to exceed 50% of $91,000)	22,000	
Adjusted gross income	69,000	
Other deductions	2,250	
Personal exemption	750	
Taxable income	66,000	
U.S. tax ($26,390 plus 64% of $6,000)		30,230
Excess tax		69,760

(2) U.S. tax on foreign mineral income from country X (determined under paragraph (a)(2)(ii)(*b*) of this section):

Foreign mineral income from country X	$150,000.00
Intangible drilling and development costs	16,000.00
Percentage depletion (22% of $150,000, but not to exceed 50% of $134,000)	33,000.00
Adjusted gross income	101,000.00
Other deductions	2,250.00
Taxable income	98,750.00
U.S. tax ($46,190 plus 69% of $8,750)	52,227.50

(d) Under paragraph (a)(2)(iii) of this section, and by applying the principles of paragraph (a)(2)(ii)(*a*) of this section, the amount of the U.S. tax which would be computed for 1972 (without regard to section 613) with respect to foreign mineral income from sources within country X is $87,920, which is the excess of the U.S. tax ($127,990) determined under subparagraph (1) over the U.S. tax ($40,070) determined under subparagraph (2):

(1) U.S. tax on total taxable income determined without regard to section 613:

Total income	$250,000
Intangible drilling and development costs	25,000
Cost depletion	15,000
Adjusted gross income	210,000
Other deductions	2,250
Personal exemption	750
Taxable income	207,000
U.S. tax ($53,090 plus 70% of $107,000)	127,990

(2) U.S. tax on total taxable income other than foreign mineral income from country X, determined without regard to section 613:

Foreign mineral income from country Y	$100,000
Intangible drilling and development costs	9,000
Cost depletion	7,000
Adjusted gross income	84,000
Other deductions	2,250
Personal exemption	750
Taxable income	81,000
U.S. tax ($39,390 plus 68% of $1,000)	40,070

(e) Under paragraph (a)(2)(i) of this section, the amount of income tax paid to country X for 1972 with respect to foreign mineral income from sources within such country is $71,820. This is the amount determined under both (*a*) and (*b*) of paragraph (a)(2)(i) of this section, since, in this case, there is no income from sources within country X other than foreign mineral income, and there are no deductions allowed under the law of country X which are not allocable to such foreign mineral income.

(f) Pursuant to paragraph (a)(1) of this section, the foreign income tax with respect to foreign mineral income from sources within country X which is allowable as a credit against the U.S. tax for 1972 is reduced to $69,760, determined as follows:

Foreign income tax paid to country X on foreign mineral income		$71,820
Less reduction under sec. 901(e):		
Smaller of $71,820 (tax paid to country X on foreign mineral income) or $87,920 (U.S. tax on foreign mineral income from sources within country X, as determined under paragraph (d)) of this example	$71,820	
Less: U.S. tax on foreign mineral income from sources within country X, determined under paragraph (c) of this example	69,760	2,060
Foreign income tax of country X allowable as a credit		69,760

(g) Under paragraph (a)(2)(ii) of this section, the amount of the U.S. tax for 1972 with respect to foreign mineral income from sources within country Y is $48,280, which is the greater of the amounts of tax determined under subparagraphs (1) and (2):

(1) U.S. tax on total taxable income in excess of U.S. tax on taxable income excluding foreign mineral income from country Y (determined under paragraph (a)(2)(ii)(*a*) of this section):

U.S. tax on total taxable income		$99,990
Less U.S. tax on taxable income from country Y:		
Foreign mineral income from country X	$150,000	
Intangible drilling and development costs	16,000	
Percentage depletion (22% of $150,000, but not to exceed 50% of $134,000)	33,000	
Adjusted gross income	101,000	
Other deductions	2,250	
Personal exemption	750	
Taxable income	98,000	
U.S. tax ($46,190 plus 69% of $8,000)		51,710
Excess tax		48,280

(2) U.S. tax on foreign mineral income from country Y (determined under paragraph (a)(2)(ii)(*b*) of this section):

Foreign mineral income from country Y	$100,000
Intangible drilling and development costs	9,000
Percentage depletion (22% of $100,000, but not to exceed 50% of $91,000)	22,000
Adjusted gross income	69,000
Other deductions	2,250
Taxable income	66,750
U.S. tax ($26,390 plus 64% of $6,750)	30,710

(h) Under paragraph (a)(2)(iii) of this section, and by applying the principles of paragraph (a)(2)(ii)(*a*) of this section, the amount of the U.S. tax which would be computed for 1972 (without regard to section 613) with respect to foreign mineral income from sources within country Y is $58,800, which is the excess of the U.S. tax ($127,990)

determined under paragraph (d)(1) of this example over the U.S. tax ($69,190) on total taxable income other than foreign mineral income from country Y, determined without regard to section 613, as follows:

Foreign mineral income from country X	$150,000
Intangible drilling and development costs	16,000
Cost depletion	8,000
Adjusted gross income	126,000
Other deductions	2,250
Personal exemption	750
Taxable income	123,000
U.S. tax ($53,090 plus 70% of $23,000)	69,190

(i) Under paragraph (a)(2)(i) of this section, the amount of income tax paid to country Y for 1972 with respect to foreign mineral income from sources within such country is $25,200. This is the amount determined under both (*a*) and (*b*) of paragraph (a)(2)(i) of this section, since, in this case, there is no income from sources within country Y other than foreign mineral income, and there are no deductions allowed under the law of country Y which are not allocable to such foreign mineral income.

(j) Pursuant to paragraph (a)(1) of this section, the foreign income tax with respect to foreign mineral income from sources within country Y which is allowable as a credit against the U.S. tax for 1972 is not reduced from $25,200, as follows:

Foreign income tax paid to country Y on foreign mineral income		$25,200
Less reduction under sec. 901(e):		
Smaller of $25,200 (tax paid to country Y on foreign mineral income) or $58,800 (U.S. tax on foreign mineral income from sources within country Y, as determined under paragraph (h) of this example)	$25,200	
Less: U.S. tax on foreign mineral income from sources within country Y, as determined under paragraph (g) of this example	48,280	------
Foreign income tax of country Y allowable as a credit		25,200

(k) After taking this section into account, B is allowed a foreign tax credit for 1972 of $92,470 ($69,760+$25,200), but not to exceed the overall limitation under section 904(a)(2) of $99,990 ($99,990×$167,750/$167,750). There would be no foreign income tax carried back to 1970 under section 904(d) since the allowable credit of $92,470 does not exceed the limitation of $99,990.

Example (7). (a) P, a domestic corporation using the calendar year as the taxable year, is an operator mining for iron ore in foreign country X. For 1971, P's gross income under chapter 1 of the Code is $100,000, all of which is foreign mineral income from a property in country X and is subject to the allowance for depletion. For 1971, cost depletion amounts to $5,000 for purposes of the tax of both countries, and only cost depletion is allowed as a deduction under the law of country X. It is assumed that deductions (other than for depletion) attributable to the mineral property in country X amount to $8,000, and these deductions are allowable under the law of both countries. Based upon the facts assumed, the income tax paid to country X on such foreign mineral income is $39,150, and the U.S. tax on such income before allowance of the foreign tax credit is $37,440 determined as follows:

	X tax	*U.S. tax*
Foreign mineral income	$100,000	$100,000
Less:		
Percentage depletion (14% of $100,000, but not to exceed 50% of $92,000)	14,000	------
Cost depletion	------	5,000
Other deductions	8,000	8,000
Taxable income	78,000	87,000
Income tax rate	48%	45%
Tax	37,440	39,150

(b) Without taking this section into account, P would be allowed a foreign tax credit for 1971 of $37,440 ($37,440×$78,000/$78,000), and foreign income tax in the amount of $1,710 ($39,150 less $37,440) would first be carried back to 1969 under section 904(d).

(c) Pursuant to paragraph (a)(1) of this section, however, the foreign income tax allowable as a credit against the U.S. tax is reduced to $37,440, determined as follows:

Foreign income tax paid on foreign mineral income		$39,150
Less reduction under sec. 901(e):		
Smaller of $39,150 (tax paid to country X on foreign mineral income) or $41,760 (U.S. tax on foreign mineral income of $87,000 ($87,000×48%), determined by deducting cost depletion of $5,000 in lieu of percentage depletion of $14,000)	$39,150	
Less: U.S. tax on foreign mineral income (before credit)	37,440	1,710
Foreign income tax allowable as a credit		37,440

(d) After taking this section into account, P is allowed a foreign tax credit for 1971 of $37,440 ($37,440×$78,000/$78,000), but no foreign income tax is carried back to 1969 under section 904(d) since the allowable credit of $37,440 does not exceed the limitation of $37,440.

Example (8). (a) The facts are the same as in example (7), except that P is assumed to have received dividends for 1971 of $25,000 from R, a foreign corporation incorporated in country X which is not a less developed country corporation within the meaning of section 902(d). Income tax of $2,500 ($25,000×10%) on such dividends is withheld at the source in country X. It is assumed that P is deemed under section 902(a)(1) and § 1.902-3(d) to have paid income tax of $22,500 to country X in respect of such dividends and that under paragraphs (a)(2)(i) and (b)(2)(i) of this section such dividends are deemed to be attributable to foreign mineral income from sources in country X and that such tax is deemed to be paid with respect to such foreign mineral income. Based upon the facts assumed, the U.S. tax on the foreign mineral income from sources in country X is $60,240 before allowance of the foreign tax credit, determined as follows:

Foreign mineral income from country X:		
Income from mining property	$100,000	
Dividends from R	25,000	
Sec. 78 dividend	22,500	$147,500
Less:		
Percentage depletion (14% of $100,000, but not to exceed 50% of $92,000)		$14,000
Other deductions		8,000
Taxable income		125,500
Income tax rate		48%
U.S. tax		60,240

(b) Without taking this section into account, P would be allowed a foreign tax credit for 1971 of $60,240 ($60,240×$125,500/$125,500), and foreign income tax in the amount of $3,910 ([$39,150+$22,500+$2,500] less $60,240) would first be carried back to 1969 under section 904(d).

(c) Pursuant to paragraph (a)(1) of this section, however, the foreign income tax allowable as a credit against the U.S. tax is reduced from $64,150 to $60,240, determined as follows:

Foreign income tax paid, and deemed to be paid, to country X on foreign mineral income ($39,150+$22,500+$2,500)		$64,150
Less reduction under sec. 901(e):		
Smaller of $64,150 (tax paid and deemed paid to country X on foreign mineral income) or $64,560 (U.S. tax on foreign mineral income of $134,500 ($134,500×48%), determined by deducting cost depletion of $5,000 in lieu of percentage depletion of $14,000)	$64,150	
Less: U.S. tax on foreign mineral income (before credit)	60,240	3,910
Foreign income tax allowable as a credit		60,240

(c) After taking this section into account, P is allowed a foreign tax credit for 1971 of $60,240 ($60,240×$125,500/$125,500), but no foreign income tax is carried back to 1969 under section 904(d) since the allowable credit of $60,240 does not exceed the limitation of $60,240.

PAR. 4. Section 1.902-3 is amended by revising paragraph (a)(1) to read as follows:

§ 1.902-3 Credit for domestic corporate shareholder of a foreign corporation (after amendment by Revenue Act of 1962).

(a) *Domestic shareholder owning stock in a first-tier corporation*—(1) *In general.* If a domestic shareholder (meaning for purposes of section 902 a domestic corporation owning at least 10 percent of the voting stock of a foreign corporation, such foreign corporation for purposes of section 902 being referred to as a first-tier corporation) receives dividends in any taxable year from its first-tier corporation, the credit for foreign income taxes allowed by section 901 includes, subject to the conditions and limitations prescribed in subparagraphs (4) through (8) of this paragraph, the foreign income taxes deemed, in accordance with subparagraphs (2) and (3) of this paragraph, to be paid by such domestic shareholder for such year. For purposes of this section, § 1.902-4, and § 1.902-5, the term "foreign income taxes" means income, war profits, and excess profits taxes, and taxes included in the term "income, war

profits, and excess profits taxes" by reason of section 903, imposed by a foreign country or a possession of the United States. For rules relating to reduction of the amount of foreign income taxes deemed paid or accrued with respect to foreign mineral income, see section 901(e) and § 1.901–3.

* * * * *

PAR. 5. Section 1.904 is amended by revising subsection (b) (1) and (2) of section 904 and the historical note to read as follows:

§ 1.904 Statutory provisions; limitation on credit.

SEC. 904. *Limitation on credit.* * * *

(b) *Election of overall limitation*—(1) *In general.* A taxpayer may elect the limitation provided by subsection (a)(2) for any taxable year beginning after December 31, 1960. An election under this paragraph for any taxable year shall remain in effect for all subsequent taxable years except that it may be revoked (A) with the consent of the Secretary or his delegate with respect to any taxable year or (B) for the taxpayer's first taxable year beginning after December 31, 1969.

(2) *Election after revocation.* Except in a case to which paragraph (1)(B) applies, if the taxpayer has made an election under paragraph (1) and such election has been revoked, such taxpayer shall not be eligible to make a new election under paragraph (1) for any taxable year, unless the Secretary or his delegate consents to such new election.

* * * * *

[Sec. 904 as amended by sec. 42(a), Technical Amendments Act 1958 (72 Stat. 1639); sec. 1, Act of Sept. 14, 1960 (Public Law 86–780, 74 Stat. 1010); secs. 10 and 12(b)(2), Rev. Act 1962 (76 Stat. 1002, 1031); sec. 234(b)(6), Rev. Act 1964 (78 Stat. 116); sec. 106(c), Foreign Investors Tax Act 1966 (80 Stat. 1570); sec. 506(b), Tax Reform Act 1969 (83 Stat. 635)]

PAR. 6. Section 1.904–1 is amended by revising paragraph (d)(1) to read as follows:

§ 1.904–1 Limitation on credit for foreign taxes.

* * * * *

(d) *Election of overall limitation*—(1) *In general*—(i) *Manner of making election.* The initial election under section 904(b) of the overall limitation provided by section 904(a)(2) may be made by the taxpayer for any taxable year beginning after December 31, 1960, without securing the consent of the Commissioner. The taxpayer may, for the first taxable year for which the election is to be made, make such election at any time before the expiration of the period referred to in paragraph (d) of § 1.901–1 for choosing the benefits of section 901 for such taxable year. Having made the initial election, the taxpayer may, within the time prescribed for making such election for such taxable year, revoke such election without the consent of the Commissioner. If such revocation is timely and properly made, the taxpayer may make his initial election of the overall limitation for a later taxable year without the consent of the Commissioner. If, however, the taxpayer makes the initial election for a taxable year and the period prescribed for making such election for such taxable year expires, the taxpayer must continue the election of the overall limitation for all subsequent taxable years (whether or not foreign taxes were paid or accrued for any such year and notwithstanding that a deduction for foreign taxes under section 164 was claimed for any such year) until revoked with the consent of the Commissioner. See section 904(b)(1). If the election for any taxable year is revoked with the consent of the Commissioner, the taxpayer may not make a new election for such taxable year or for any subsequent taxable year without the consent of the Commissioner. If the election of the overall limitation is revoked for a taxable year, the per-country limitation shall apply to such taxable year and to all taxable years thereafter unless a new election of the overall limitation is made, either with or without the consent of the Commissioner in accordance with this section.

(ii) *Revocation for first taxable year beginning after December 31, 1969.* Notwithstanding subdivision (i) of this subparagraph, if the taxpayer has made an initial election under section 904(b) of the overall limitation for a taxable year beginning before January 1, 1970, and the period prescribed for making such election for such taxable year has expired, or if he has made a new election for such a taxable year with the consent of the Commissioner, he may revoke such election effective with respect to his first taxable year beginning after December 31, 1969, without the consent of the Commissioner. Such revocation may be made within the time prescribed for making an initial election for such first taxable year beginning after December 31, 1969. If such revocation is timely and properly made, the taxpayer may make a new election of the overall limitation for a later taxable year without the consent of the Commissioner. Such new election for a later taxable year may be made at any time before the expiration of the period referred to in paragraph (d) of § 1.901–1 for choosing the benefits of section 901 for such taxable year. The revocation of an election, or the making of a new election, pursuant to this subdivision shall be made in the same manner provided in subparagraph (2) of this paragraph for revoking or making an initial election. This subdivision applies even though the taxpayer is not required under section 901(e) and § 1.901–3 to reduce the amount of any foreign taxes paid, accrued, or deemed to be paid with respect to foreign mineral income for any taxable year beginning after December 31, 1969.

* * * * *

PAR. 7. Section 1.904–2 is amended by adding subdivision (iii) to paragraph (b)(2) and by adding subparagraph (3) to paragraph (c), as follows:

§ 1.904–2 Carryback and carryover of unused foreign tax.

* * * * *

(b) *Years to which carried.* * * *

(2) *Definitions.* * * *

(iii) The term "unused foreign tax" does not include any amount by which the income, war profits, and excess profits taxes paid or accrued, or deemed to be paid, to any foreign country or possession of the United States with respect to foreign mineral income are reduced under section 901(e)(1) and § 1.901–3(b)(1).

* * * * *

(c) *Tax deemed paid or accrued.* * * *

(3) *Unused foreign tax with respect to foreign mineral income.* If any portion of an unused foreign tax for any taxable year beginning after December 31, 1969, consists of tax paid or accured, or deemed to be paid, with respect to foreign mineral income, as defined in § 1.901–3(c), such portion shall not be deemed paid or accrued with respect to foreign mineral income in the taxable year to which it is carried under section 904(d).

* * * * *

[FR Doc.72–6352 Filed 4–26–72;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

2,4–D; Proposed Tolerances

A pesticide petition (PP 1E1136) was submitted by the Bureau of Reclamation, U.S. Department of the Interior, to the Environmental Protection Agency in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of a tolerance (40 CFR Part 180) for negligible residues of the herbicide 2,4–4 (2,4-dichlorophenoxyacetic acid) from application of its dimethylamine salt to irrigation ditch banks at 0.1 part per million. (For a related document, see this issue of the FEDERAL REGISTER, page 8462.)

The Reorganization Plan No. 3 of 1970, published in the FEDERAL REGISTER of October 6, 1970 (35 F.R. 15623), transferred (effective Dec. 2, 1970) to the Administrator of the Environmental Protection Agency the functions vested in the Secretary of Health, Education, and Welfare for establishing tolerances for pesticide chemicals under sections 406, 408, and 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346, 346a, and 348).

Having evaluated the data in the petition and other relevant material, it is concluded that the proposed tolerance should be established for the residues which occur in potable water as a result of application of 2,4–D dimethylamine salt to irrigation ditch banks.

Therefore, pursuant to provisions of the act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by

the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), it is proposed that § 121.1204 be revised to read as follows:

§ 121.1204 2,4–D.

Tolerances are established for residues of the herbicide 2,4–D (2,4-dichlorophenoxyacetic acid) as follows:

2 parts per million in the milled fractions (except flour) derived from barley, oats, rye, and wheat to be ingested as food or to be converted to food. Such residues may be present therein only as a result of application to the growing crop of the herbicides identified in Title 40, § 180.142.

0.1 part per million (negligible residues) in potable water. Such residues may be present therein only as a result of application of the dimethylamine salt of 2,4–D to irrigation ditch banks in the Western United States in programs of the Bureau of Reclamation; cooperating water user organizations; the Bureau of Sport Fisheries, U.S. Department of the Interior; Agricultural Research Service, U.S. Department of Agriculture and the Corps of Engineers, U.S. Department of Defense.

Any person who has registered or submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, within 30 days after publication hereof in the FEDERAL REGISTER, that this proposal be referred to an advisory committee in accordance with section 409(d) of the act.

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Environmental Protection Agency, Room 3125, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C. 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: April 21, 1972.

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

[FR Doc.72–6417 Filed 4–26–72;8:48 am]

[21 CFR Part 295]

HUMAN PRESCRIPTION DRUGS IN ORAL DOSAGE FORMS

Proposed Child Protection Packaging Standards

Through investigations by the Food and Drug Administration and from other available information, the Commissioner of Food and Drugs has determined that the accidental ingestion of orally administered prescription drugs for human use has been a significant cause of hospitalizations and fatalities of children under 5 years of age.

A prescription drug (that is, a drug which by Federal law may be dispensed only by prescription of a practitioner licensed by law to administer such drug) is often so categorized because of its toxicity or other potentiality for harmful effect.

In view of the large number of prescription drugs for oral administration dispensed annually, and the fact that the major burden of complying with child protection packaging standards for such substances under the Poison Prevention Packaging Act of 1970 will fall on retail pharmacists, the Commissioner has sought the most practical and efficient approach to rapid implementation of the act in this area. Two basic alternate approaches have been considered: (1) The preparation of a list of specific prescription drugs requiring such packaging and (2) a comprehensive across-the-board approach applicable to all prescription drugs for oral administration in humans.

The Food and Drug Administration has sought the views of five professional societies representing practicing pharmacists as to the more appropriate approach; namely, American Pharmaceutical Association, National Association of Chain Drug Stores, Inc., American Society of Hospital Pharmacists, National Pharmaceutical Association, and National Association of Retail Druggists. Three of the four responding strongly support the across-the-board approach as the most effective means to accomplish the purposes of the act. The fourth is concerned as to availability of the required containers and suggests that experience should be gained with a limited approach before the across-the-board requirement is adopted.

Upon consideration of these responses and in the interest of most efficiently accomplishing the objectives of the act, the Commissioner concludes that the comprehensive, across-the-board approach is the appropriate course of action.

After review of the above information and upon consultation, pursuant to section 3, with the Technical Advisory Committee convened in accordance with section 6 of the act, the Commissioner finds that the nature of the hazard to children posed by orally administered prescription drugs for humans, by reason of their availability and packaging, is such that special packaging is necessary to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting such substances.

On the basis of reports and data from industry and other relevant information, and pursuant to section 3(a)(2) of the act, the Commissioner finds that the special packaging proposed herein is:

1. Technically feasible because technology exists to produce special packaging conforming to these standards. At least 15 different special packages have been tested in accordance with § 295.10 *Testing procedure for special packaging* (21 CFR 295.10; 36 F.R. 22151, 37 F.R. 741) that meet or exceed the effectiveness specifications of § 295.3(b).

2. Practicable in that it is susceptible to modern mass production and assembly line techniques. Reported production data indicate a capability adequate to meet the needs of affected industries.

3. Appropriate since such special packaging is not detrimental to the integrity of the substance and will not interfere with its storage or use.

The demands for special packaging are expected to be substantial and will increase rapidly as implementation of the act for drugs continues. Manufacturers and pharmacists are encouraged to stock adequate supplies of special packaging in order to meet the effective dates for special packaging requirements for drugs. The Food and Drug Administration encourages the pharmaceutical industry and pharmacists to cooperate and start the use of special packaging for all drug products where any potential for hazard to children exists. The objective of the act warrants initiatives toward special packaging that should not await the time-consuming procedures necessary to establish legally enforceable requirements.

Accordingly, pursuant to provisions of the Poison Prevention Packaging Act of 1970 (secs. 2(4), 3, 5, 84 Stat. 1670–72; 15 U.S.C. 1471(4), 1472, 1474) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that a new subparagraph be added to § 295.2(a) as follows (§§ 295.2 and 295.3 were promulgated in the FEDERAL REGISTER of February 16, 1972; 37 F.R. 3427):

§ 295.2 Substances requiring "special packaging."

(a) *Substances.* The Commissioner of Food and Drugs has determined that the degree or nature of the hazard to children in the availability of the following substances, by reason of their packaging, is such that special packaging is required to protect children from serious personal injury or illness resulting from handling, using, or ingesting such substances, and that the special packaging herein required is technically feasible, practicable, and appropriate for these substances:

* * * * *

(10) *Prescription drugs.* Any drug for human use that is in a dosage form intended for oral administration and that is required by Federal law to be dispensed only by or upon an oral or written prescription of a practitioner licensed by law to administer such drug shall be packaged in accordance with the provisions of § 295.3 (a), (b), and (c).

* * * * *

Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding

this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: April 24, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-6487 Filed 4-26-72;8:52 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-SO-34]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Washington, Ga., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Washington transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Washington-Wilkes County Airport (latitude 33°47'20" N., longitude 82°48'30" W.); within 2.5 miles each side of Athens VOR 112° radial, extending from the 6.5-mile radius area to 25 miles east of the VOR.

The proposed designation is required to provide controlled airspace protection for IFR operations at Washington-Wilkes County Airport. A prescribed instrument approach procedure to this airport, utilizing the Athens, Ga. VOR, is proposed in conjunction with the designation of this transition area.

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

Issued in East Point, Ga., on April 18, 1972.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.72-6402 Filed 4-26-72;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 72-EA-44]

CONTROL ZONE

Proposed Designation and Alteration

The Federal Aviation Administration is considering amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to designate a Westhampton Beach, N.Y. control zone and alter the Calverton, N.Y. control zone (37 F.R. 2067).

The U.S. Air Force has submitted an airspace proposal to establish a part-time control zone at Suffolk County Airport, Westhampton Beach, N.Y. The airport meets the communications, weather observation and reporting requirements for control zone designation. The proposed control zone will overlap a small portion of the existing Calverton, N.Y. control zone. Therefore an editorial change is required in the Calverton control zone so as to exclude the airspace which is coincident with the proposed Westhampton Beach control zone.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

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

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Westhampton Beach, N.Y., proposes the airspace action hereinafter set forth:

1. Amend §71.171 of Part 71, Federal Aviation Regulations so as to add a Westhampton Beach, N.Y. control zone as follows:

WESTHAMPTON BEACH, N.Y.

Within a 5.5-mile radius of Suffolk County Airport (latitude 40°59'39" N., longitude 72°37'49" W.). This control zone shall be in effect from 0700 to 2300 hours, local time, daily.

2. Amend § 71.171 of Part 71, Federal Aviation Regulations so as to alter the Calverton, N.Y. control zone as follows:

In the text, delete "12.5 miles east of the VORTAC." and substitute, "12.5 miles east of the VORTAC excluding the portion within the Westhampton Beach, N.Y. control zone.".

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y. on April 7, 1972.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.72-6403 Filed 4-26-72;8:47 am]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 221, 231]

[Docket No. 22415; EDR-225]

PUBLICATION OF TARIFFS FOR CLASSES OF SERVICE SUBJECT TO SCHEDULE DESIGNATION AND CLASSES OF SERVICE NOT ACTUALLY PROVIDED TO THE PUBLIC

Notice of Proposed Rule Making

Correction

In F.R. Doc. 72-6130 appearing at page 7904, in the issue of Friday, April 21, 1972, the EDR designation should read as set forth above.

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

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

2,4-D; Proposed Tolerance

The Bureau of Reclamation, U.S. Department of the Interior, submitted a pesticide petition (PP 1E1136) proposing establishment of tolerances for negligible residues of the herbicide 2,4-D (2,4-dichlorophenoxyacetic acid) in or on various raw agricultural commodities from application of its dimethylamine salt to irrigation ditch banks at 0.1 part per million. (For a related document, see this issue of the FEDERAL REGISTER, page 8460.)

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

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

2. Livestock are to be excluded from treated ditch banks, and there is no reasonable expectancy of 2,4–D residues in meat or milk from this use.

3. The proposed tolerances will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and trator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9036), it is proposed that § 180.142 be amended by inserting new paragraph (c) after paragraph (b), as follows:

§ 180.142 2,4–D; tolerances for residues.

* * * * *

(c) Tolerances are established for negligible residues of 2,4–D (2,4-dichlorophenoxyacetic acid) from application of its dimethylamine salt to irrigation ditch banks in the Western United States in programs of the Bureau of Reclamation; cooperating water user organizations; the Bureau of Sport Fisheries, U.S. Department of the Interior; Agricultural Research Service, U.S. Department of Agriculture; and the Corps of Engineers, U.S. Department of Defense, at 0.1 part per million in or on the crop groupings: Citrus; cucurbits; forage grasses; forage legumes; fruiting vegetables; grain crops; leafy vegetables; nuts; pome fruits; root crop vegetables; seed and pod vegetables; small fruits, stone fruits; and the individual raw agricultural commodities avocados, cottonseed, hops, and strawberries.

Where tolerances are established at on the subject crops, the higher tolerance applies also to residues from the irrigation ditch bank use cited above.

Any person who has registered or submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, within 30 days after publication hereof in the FEDERAL REGISTER, that this proposal be referred to an advisory committee in accordance with section 408(e) of the act.

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Environmental Protection Agency, Room 3125, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: April 21, 1972.

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

[FR Doc.72-6416 Filed 4-26-72;8:48 am]

PAY BOARD

[6 CFR Part 205]

PAY BOARD PROCEDURAL REGULATIONS

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Chairman of the Pay Board. Since rules set forth in Part 205 are essential to the expeditious implementation of the Economic Stabilization Act of 1970, as amended, the Board finds that the time for the submission of comments or suggestions by interested persons in accordance with usual rule making procedures is impracticable and that good cause exists for promulgating them in less than 30 days. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Chairman of the Pay Board, Attention: Office of General Counsel, 2000 M Street NW., Washington DC 20508, by May 8, 1972. Any written comments or suggestions not specifically designated as confidential may be inspected by any person upon written request.

The proposed revision of the rules as set forth below is issued pursuant to the authority vested in the Pay Board by the Economic Stabilization Act of 1970, as amended (Public Law 92–210, 85 Stat. 743), Executive Order No. 11640 (37 F.R. 1213, Jan. 27, 1972), as amended, and Cost of Living Council Orders No. 3 (36 F.R. 20202, Oct. 16, 1971) and No. 6 (37 F.R. 2727, Feb. 4, 1972).

GEORGE H. BOLDT,
Chairman of the Pay Board.

Subpart A—General

Subpart B—Appeals From Adverse Actions

Subpart C—Requests for Exceptions and Pay Challenges

Subpart D—Petition and Comment on Rule Making

Subpart E—Formal Hearings

Subpart F—Retroactive Pay Adjustments

AUTHORITY: The provisions of this Part 205 are issued under the Economic Stabilization Act of 1970, as amended, Public Law 91–379, 84 Stat. 799; Public Law 91–558, 84 Stat. 1468; Public Law 92–8, 85 Stat. 13; Public Law 92–15, 85 Stat. 38; Public Law 92–210, 85 Stat. 743; Executive Order No. 11640 (37 F.R. 1213, Jan. 27, 1972), as amended; Cost of Living Council Orders No. 3 (36 F.R. 20202, Oct. 16, 1971) and No. 6 (37 F.R. 2727, Feb. 4, 1972).

Subpart A—General

§ 205.1 Purpose and scope.

(a) This part establishes procedures for—

(1) Appeals from adverse actions by the Internal Revenue Service;

(2) Initial action on requests for exceptions or pay challenges and review of denials of such requests or challenges, in whole or in part;

(3) Petitions and comments on rule making;

(4) Formal hearings on certain wage and salary increases; and

(5) Initial action on retroactive pay adjustments and review of denials of such adjustments.

(b) Pursuant to section 214(b)(3) of the Economic Stabilization Act of 1970, as amended, if any small business enterprise files a request, challenge, application, or appeal under the provisions of this part, such request, challenge, application, or appeal will be accorded expeditious handling by affording it priority on the dockets maintained by the Board for the orderly conduct of its business.

§ 205.2 Definitions.

For purposes of this part—

"Act" means the Economic Stabilization Act of 1970, as amended.

"Adverse action" means an action by the Board or IRS denying the position, in whole or in part, of a party at interest (as defined by § 201.3 of this chapter) with respect to a pay adjustment, or an interpretation issued by IRS or ruling issued by the Office of the Chief Counsel for the Internal Revenue Service which is contrary to the position asserted by the person seeking the interpretation or ruling.

"Board" means the Pay Board as established by Executive Order No. 11627, and as continued by Executive Order No. 11640 and 11660, or its delegate. The term delegate, as here used, does not encompass IRS or the Office of the Chief Counsel for the Internal Revenue Service.

"District Director" mean a district director of the IRS.

"Exception" means an order issued by the Board or its delegate to a person as defined by § 201.3 of this chapter waiving requirements of a specific rule, regulation, or order issued pursuant to the Act.

"Hearing Officer" means a person appointed by the Board for purposes of conducting a hearing in accordance with Subparts B, C, E, and F of this part.

"IRS" means the Internal Revenue Service.

"Pay adjustment" means a change in wages or salaries.

"Pay challenge" means an objection to an existing contract or pay practice previously set forth in accordance with § 201.14 of this chapter, filed by—

(a) A party at interest as defined in § 201.3 of this chapter; or

(b) Two or more members of the Board.

"Person aggrieved" means:

(a) In cases where the IRS or Board has denied the position, in whole or in part, of a party at interest (as defined by § 201.3 of this chapter) with respect to a pay adjustment, a person who is a party at interest; or

(b) In cases in which the IRS has issued an interpretation or the Office of the Chief Counsel for the Internal Revenue Service has issued a ruling, a person who requested such interpretation or ruling and asserts a position contrary thereto.

"Petition" means a written objection to or proposal for a published ruling or regulation promulgated by the Board.

"Regulation" means a regulation issued by the Board which appears in Chapter II of Title 6, Code of Federal Regulations.

§ 205.3 Representation.

Representation by counsel or other individuals under this part shall be in accordance with the rules governing authority to practice before IRS prescribed in § 401.702 of this title. The Board may permit any other individual to represent any person when circumstances indicate that such representation is justified.

§ 205.4 Filing of documents.

(a) A document required to be filed directly with the Board under this chapter is considered filed when it has been received at the Pay Board offices. Documents received after regular business hours are deemed filed on the next regular business day.

(b) A person filing—

(1) A request for an exception,

(2) A challenge,

(3) A prenotification or report of a pay adjustment,

(4) A retroactive pay adjustment,

(5) An appeal or request for review or reconsideration, or

(6) Briefs and other documents in support of his position,

must at the same time serve copies of each such document on all parties at interest and on any other parties to the proceedings. If, however, such parties at interest are unrepresented employees, they shall be notified by their employer of the nature of the proceeding before the Board and that they may inspect copies of the above described documents filed with the Board if they so request. Reasonable rules shall be established by the employer with respect to such inspections.

(c) A certificate of service or notification, as appropriate, shall accompany all such documents filed with the Board.

§ 205.5 Computation of time.

(a) In computing any period of time prescribed or allowed by this chapter for the performance of any act, the day of the act, event, or default or which the designated period of time begins to run will not be counted.

(b) If the last day of the period falls or a Saturday, Sunday, or a Federal legal holiday, the period will be extended to the next day which is not a Saturday, Sunday, or Federal legal holiday.

(c) If the period prescribed or allowed is 7 days or less, an intervening Saturday, Sunday, or Federal legal holiday will not be counted.

§ 205.6 Service.

(a) All documents required to be served under this part are to be served personally, by registered or certified mail, or, where circumstances render such service impracticable, service will be effected as provided for by § 205.6(e).

(b) If a person is represented by a duly authorized representative, service on the representative shall constitute service on the person.

(c) A certificate of service shall be filed with the Board for each document served.

(d) Service by registered or certified mail is complete upon mailing.

(e) Whenever the Board serves a determination, decision or order with respect to a pay adjustment upon a person, a copy of such determination, or decision and order will also be served on all parties at interest and other parties to the proceedings. If, however, such parties at interest are unrepresented employees, the Board will provide the employer of such employees with a copy of such determination, or decision and order. Such employer shall immediately advise the employees affected of the nature of the determination, or decision and order and make available to them upon request a copy of such determination, or decision and order.

§ 205.7 Extension of time.

If an action is required to be taken within a prescribed time under this chapter, an extension of time will be granted only upon a showing of good cause.

§ 205.8 Subpenas; witness fees.

(a) The Chairman of the Board or his duly authorized agent may sign and issue subpenas.

(b) A subpena may require the attendance of witnesses and the production of relevant papers, books, and documents in the possession or under the control of the person served.

(c) A subpena may be served by any person who is not a party and not less than 18 years of age.

(d) The original subpena bearing a certificate of service shall be filed with the issuing official.

(e) A witness subpenaed by any party shall be paid the same fees and mileage as are paid witnesses in District Courts of the United States.

§ 205.9 Consolidations.

Upon the initiative of the Board, the Chairman of the Board, a Hearing Officer, or in response to a party's motion, two or more appeals, requests for exception, pay challenges or other cases which involve substantially the same parties or issues which are closely related, may be consolidated if it is found that such consolidation will expedite the proceedings.

Subpart B—Appeals From Adverse Actions

§ 205.20 Purposes and scope.

(a) The purpose of this subpart is to establish the rules of practice of the Board which govern the conduct of its administrative review proceedings.

(b) The Board has jurisdiction to consider and decide appeals from adverse actions by IRS and the Office of the Chief Counsel for the Internal Revenue Service.

(c) The Board may review all relevant questions of law and fact.

(d) Review will be limited to the evidence in the record before IRS or the Office of the Chief Counsel for the Internal Revenue Service at the time the adverse action was taken except as otherwise directed by the Board.

(e) Determinations, decisions and other actions of the Board pursuant to §§ 205.25 through 205.28 will be rendered by the Chairman or his delegate unless the Pay Board or a panel of the Board directs otherwise.

§ 205.21 Who may appeal.

Any person aggrieved by an action of IRS or the Office of the Chief Counsel for the Internal Revenue Service taken or issued pursuant to Part 401 of this title, or in accordance with delegated authority, other than a person found by IRS to be in violation of the Act or Regulations, may file an appeal with the Board.

§ 205.22 Where to file appeal.

An appeal shall be filed with the Pay Board, 2000 M Street NW., Washington, DC 20508, and a copy of the appeal shall be sent to the official who issued the adverse action being appealed. At the same time, appellant shall serve copies

of such appeal and supporting documents on the parties at interest (as defined by § 201.3 of this chapter). If, however, such parties at interest are unrepresented employees appellant shall notify them of such appeal in accordance with § 205.4 (b) and (c).

§ 205.23 When to file appeal.

Before filing an appeal with the Board, a recipient of an adverse action by a District Director must have exhausted his administrative remedies within IRS by filing a timely appeal within IRS as permitted by section 601 of Part 401. An appeal to the Board must be filed within 30 days of service by IRS of the adverse action upon which the appeal is based.

§ 205.24 Contents.

An appeal may be accompanied by a brief and must include the name and address of the appellant (and of other parties at interest if the appeal is with respect to a pay adjustment), a clear designation that the document is an appeal to the Board, a copy of the adverse action appealed from, a concise statement of the facts and contentions, grounds for appeal, and the relief requested, and a certification that he has complied with §§ 205.22 and 205.23.

§ 205.25 Screening of appeals.

(a) The Board will determine whether an appeal makes a prima facie showing that the adverse action—

(1) Was erroneous in fact or in law; or

(2) In the case of a decision denying—

(i) A Request for Exception, or

(ii) A retroactive pay adjustment,

was erroneous in fact or in law or appears to be otherwise inequitable.

(b) Where the Board determines that the appeal has failed to make a prima facie showing, the Board may summarily reject the appeal, serve a copy of its determination upon appellant, and advise him that he may request further review in accordance with § 205.29 if appropriate. If further review is not available under § 205.29, appellant will be advised that he may seek judicial review under the Act. If the determination is with respect to a pay adjustment, a copy of such determination will also be served on the other parties at interest in accordance with § 205.6(e).

(c) Where the Board determines that the appellant has made a prima facie showing, it will proceed in accordance with the provisions of §§ 205.26 through 205.28.

§ 205.26 Obtaining record.

(a) Upon receipt of a copy of an appeal, the office which took the adverse action on the subject of the appeal will forward to the Board its entire file on the matter.

(b) This file, together with the appeal and briefs, if any, and any statement submitted by IRS will constitute the record on appeal.

(c) The Board on its own motion may request any additional evidence it deems necessary.

§ 205.27 Informal hearings.

(a) If the Board in its discretion deems that a hearing is advisable, it may direct that an informal hearing be held before the Board, its delegate, or a Hearing Officer.

(b) The Board will notify the appellant and other parties, as appropriate, in writing, of the time and place of the hearing.

(c) The appellant and other parties, as appropriate, may present oral argument and submit such additional documentary evidence as the Hearing Officer or the Board deems necessary to fully disclose the position of the party or parties.

(d) If a Hearing Officer is used, he will conduct the hearing as expeditiously as possible in accordance with instructions received from the Board.

(e) Within 30 days after the close of the hearing, the Hearing Officer, if one is appointed, will submit a report to the Board and, if the Board so directs, a recommendation with respect to the appellant's request for relief.

§ 205.28 Decision by Board.

After receipt of an appeal and the IRS record (see § 205.26) or at the conclusion of a hearing, if a hearing has been provided for—

(a) The Board will issue a decision in writing directed to the appellant setting forth its decision, the basis therefor, and an appropriate order;

(b) A copy of the decision and order will be served upon the appropriate parties in accordance with § 205.6(e); and

(c) If the decision denies the relief requested, in whole or in part, any person aggrieved will be advised that he may request further review in accordance with § 205.29 if appropriate. If further review is not available under § 205.29 appellant will be advised that he may seek judicial review under the Act.

§ 205.29 Further review.

(a) Any person aggrieved by a determination under § 205.25(a)(2) of this subpart or by the Board's decision under § 205.28, with respect to a pay adjustment, may request further review within 14 days of service of such determination or decision. Further review will not, however, be granted unless three members of the full Board or a majority of a committee or panel of the Board certify that such a review is appropriate.

(b) If further review is denied, the Board will serve a copy of its determination upon appellant, advise him that he has exhausted his administrative remedies and that he may seek judicial review under the Act. A copy of such determination will also be served on the other parties, as appropriate, in accordance with § 205.6(e).

(c) If further review is granted, the Board will so notify the appellant and other parties at interest and proceed to render its decision on the record. Such record will consist of the request, any written submissions by the applicant and other parties at interest to IRS or the Office of Chief Counsel for the Internal Revenue Service prior to the IRS or Office of Chief Counsel decision, any information developed by IRS or the Office of Chief Counsel, and all previous decisions or determinations made by IRS or Office of Chief Counsel, and the Board. No additional information documents or other submission will be considered unless relevant as determined by the Board, or submitted in response to a specific request by the Board. Notwithstanding the foregoing, the Board, in its discretion, may allow oral presentations or provide for hearings.

(d) The Board will issue a decision in writing and direct it and an appropriate order to the parties at interest. If the decision allows or denies the relief requested, in whole or in part, an aggrieved party may seek judicial review under the Act.

Subpart C—Requests for Exceptions and Pay Challenges

§ 205.30 Purpose and scope.

(a) The purpose of this subpart is to establish procedures for initial action by the Board on requests for exceptions or pay challenges and for review or reconsideration, as appropriate, by the Board of denials of such requests or challenges.

(b) This subpart shall not apply to those requests for exceptions or retroactive pay adjustments in which initial action is taken by IRS pursuant to authority delegated by the Board. In those cases on which initial action is taken by IRS, appeals from adverse actions may be filed with the Board in accordance with the regulations under Subpart B of this part.

(c) In all cases under paragraph (a) or (b) of this section, filing and processing of—

(1) Requests for exceptions shall be filed in accordance with the regulations issued under Subpart D of Part 401 of this title unless the Board directs otherwise.

(2) Pay challenges to existing contracts and pay practices previously set forth by parties at interest shall be filed and processed in accordance with the regulations issued under Subpart E of Part 401 of this title unless the Board directs otherwise.

(d) Determinations, decisions, and other actions of the Board pursuant to §§ 205.31 through 205.33 will be rendered by the Chairman or his delegate pursuant to delegated authority or by the Pay Board or a panel of the Board.

(e) If the initial decision of the Board is rendered by—

(1) The Chairman or his delegate, requests for review will be considered by the Pay Board (or a panel of the Board) pursuant to §§ 205.34 through 205.40, and

(2) The Pay Board (or a panel of the Board), requests for reconsideration will be considered by the Pay Board (or a panel of the Board) pursuant to § 205.41.

§ 205.31 Initial action on requests for exception.

(a) The Board in its discretion may invite the applicant, other parties at interest and other parties, if appropriate, to make an oral presentation, or provide for an informal hearing (pursuant to § 205.39), or a formal hearing (pursuant to Subpart E of this part).

(b) In general, the Board will render its decision on the record which will consist of the request, any written submissions by the applicant and other appropriate parties to the IRS or the Board, if appropriate, at the time of the request, and any information developed by the IRS. However, if a presentation or hearing is conducted in accordance with paragraph (a) of this section, the record will also contain an account of such presentation or hearing. The Board will determine whether such account will be in the form of a report, minutes, or transcript.

(c) After considering the record the Board will issue a decision in writing directed to the person filing the request for exception setting forth the facts, conclusions of law, its decision and the basis therefor, and an appropriate order.

(d) If the Board grants an exception, it will—

(1) Serve upon the applicant and other parties at interest a copy of its decision and order, and

(2) Advise any person aggrieved that he may request review of the Board's action pursuant to §§ 205.34 through 205.40 or reconsideration pursuant to § 205.41, as appropriate. Notwithstanding the foregoing, failure to request reconsideration pursuant to § 205.41 shall not constitute a failure to exhaust administrative remedies for purposes of judicial review.

(e) If the Board denied an exception, in whole or in part, it will—

(1) Serve upon the applicant and other parties at interest a copy of its decision and order, and

(2) Advise any person aggrieved that he may request review of the Board's action pursuant to §§ 205.34 through 205.40 or reconsideration pursuant to § 205.41, as appropriate. Notwithstanding the foregoing, failure to request reconsideration pursuant to § 205.41 shall not constitute a failure to exhaust administrative remedies for purposes of judicial review.

§ 205.32 Application for leave to participate in pay challenge proceedings.

(a) Upon receipt of a pay challenge, the Board will notify the parties at interest as defined in § 201.3 of this chapter that a pay challenge has been filed and that they may participate in the proceedings by submitting a brief or other documentary evidence, or otherwise in accordance with § 205.33.

(b) In addition, a person who is—

(1) An employer whose competitive position in a labor market would be adversely affected if the challenge were upheld, or

(2) An employee representative, or, in the absence of such representative, an employee whose bargaining position would be adversely affected if the challenge were upheld,

may make timely application to the Board for leave to participate in its proceedings, such person shall state his name and address, identify the docket number of the challenge, if known, state specifically the manner in which he is interested in the challenged adjustment, specify the relief sought, and sign the application for leave to participate.

(c) Upon receipt of an application filed in accordance with paragraph (b) of this section, the Board will determine whether the applicant's participation in the proceedings will contribute to the equitable disposition of the challenge.

(d) If the applicant meets the requirement of paragraph (c) of this section, he will be granted leave to participate. In such case, the Board will notify the applicant in writing and afford him a reasonable opportunity to submit documentary evidence or briefs in support of his position.

(e) If the Board denies leave to participate in the proceedings, it will so notify the applicant in writing.

§ 205.33 Initial action on pay challenges.

(a) The Board in its discretion may allow an oral presentation, or provide for an informal hearing (pursuant to § 205.39), or a formal hearing (pursuant to Subpart E of this part).

(b) In general, the Board will render its decision on the record which will consist of the challenge, any information developed by IRS and other written submissions by the parties at interest and other persons granted leave to participate under § 205.32(d). However, if a presentation or hearing is conducted in accordance with paragraph (a) of this section, the record will also contain an account of such presentation or hearing. The Board will determine whether such account will be in the form of a report, minutes, or transcript.

(c) After considering the record, the Board will issue a decision in writing directed to the person filing the pay challenge setting forth its decision and the basis therefor and an appropriate order.

(d) Where the Board allows the challenged pay adjustment to stand or overturns such pay adjustment, in whole or in part, it will serve upon each party at interest and other parties to the proceedings a copy of its decision and order.

(e) Any person aggrieved by a decision of the Board under paragraph (c) of this section may request reconsideration by the Board (or a panel of the Board) pursuant to § 205.41. Notwithstanding the foregoing, failure to request reconsideration pursuant to § 205.41 shall not constitute a failure to exhaust administrative remedies for purposes of judicial review.

§ 205.34 Scope of review.

(a) The Board will review the approval or the denial of an exception by the Chairman or his delegate if the request for review makes a prima facie showing that—

(1) The initial action was erroneous in fact or in law or

(2) It appears to be otherwise inequitable.

(b) If the Board determines that the request for review failed to make a prima facie showing, the Board may summarily reject the request for review, notify the applicant and other parties at interest of its action, and advise the applicant that he has exhausted his administrative remedies and that he may seek judicial review under the Act.

(c) If the Board determines that the request for review has made a prima facie showing, it will proceed in accordance with the provisions of §§ 205.39 and 205.40.

§ 205.35 Who may request review.

Any person aggrieved or other party to the initial proceedings conducted by the Chairman or his delegate may request review by the Board.

§ 205.36 Where to file.

A request for review shall be filed with the Pay Board, 2000 M Street NW., Washington, DC 20508.

§ 205.37 When to file.

A request for review must be filed within 14 days of service of the decision allowing or denying the relief requested.

§ 205.38 Contents.

A request for review shall—

(a) Be in writing and signed by the party requesting such review;

(b) Be designated clearly as a request for review;

(c) Include a copy of the adverse action from which review is requested;

(d) Contain a concise statement of the grounds for review and the requested relief;

and, such request may be accompanied by briefs.

§ 205.39 Informal hearings.

(a) If the Board in its discretion deems that a hearing is advisable, it may direct that an informal hearing be held before the Board, its delegate, or a Hearing Officer.

(b) The Board will notify the parties at interest and other parties, as appropriate, in writing, of the time and place of the hearing.

(c) The appellant and other parties, as appropriate, may present oral argument and submit such additional documentary evidence as the Hearing Officer or the Board deems necessary to fully disclose the position of the party or parties.

(d) If a Hearing Officer is used, he will conduct the hearing as expeditiously as possible in accordance with instructions received from the Board.

(e) Within 30 days after the close of the hearing, the Hearing Officer, if one is used, will submit a report to the Board, and, when the Board so directs, a recommendation with respect to the disposition of the case.

§ 205.40 Decision by Board on review.

The Board will—

(a) Issue a decision in writing directed to the appellant setting forth its decision, the basis therefor, and an appropriate order;

(b) Serve upon the parties at interest and other parties to the proceedings a copy of the decision and order; and

(c) Advise each aggrieved party that he may seek judicial review under the Act if the decision denies the relief requested. Such action by the Board will occur within 30 days of receipt of a request for review or within 10 days of a Hearing Officer's report if a Hearing Officer was used or within 20 days after a hearing before the Board is concluded, or as soon thereafter as administratively practicable.

§ 205.41 Request for reconsideration.

(a) Any person aggrieved or other party to the initial proceedings may request the Board (or a panel of the Board) to reconsider its initial decision. Such a request must be filed with the Board within 14 days of service of the decision allowing or denying the relief requested.

(b) A request for reconsideration shall be in writing, be signed by the party requesting such reconsideration, be designated clearly as a request for reconsideration, and contain a concise statement of the grounds for reconsideration including any errors of record.

(c) After considering the record, the Board will issue a decision in writing and serve it and an appropriate order on the parties, as appropriate, in accordance with § 205.6(e). An aggrieved party may seek judicial review under the Act.

Subpart D—Petition and Comment on Rule Making

§ 205.50 Scope.

The Board shall afford any interested person the right to petition or comment on the issuance, amendment, or repeal of any ruling or regulation promulgated by the Board.

§ 205.51 Where to file.

Petitions or comments shall be filed with the Pay Board, 2000 M Street NW., Washington, DC 20508.

§ 205.52 When to file.

A petition or comment may be filed at any time.

Subpart E—Formal Hearings

§ 205.60 Purpose and scope.

(a) To the maximum extent possible, the Board will conduct formal hearing for the purpose of hearing arguments or acquiring information bearing on a wage or salary increase or proposed wage or salary increase if such increase or proposed increase has or may have a significantly large impact upon the national economy.

(b) A formal hearing held pursuant to this subpart will be open to the public, but such hearings may be closed to the public for the purpose of receiving information considered to be confidential under section 205 of the Act.

§ 205.61 Appointment of Hearing Officer.

If a formal hearing is directed by the Board in accordance with § 205.60, a Hearing Officer may be appointed by the Board to preside over such hearing.

§ 205.62 Notice of hearing.

At the Board's discretion, notice will be published in the FEDERAL REGISTER of the nature, date, and time of the hearing and of the appointment of the Hearing Office if appropriate. Thereafter, all documents and other papers shall be filed with the Hearing Officer, or in the absence of the appointment of a Hearing Officer, with the Executive Secretariat of the Board.

§ 205.63 Powers and duties of the Hearing Officer.

(a) In addition to any other powers specified in this part, a Hearing Officer shall have the power:

(1) To administer oaths and affirmations;

(2) To examine or cross-examine witnesses;

(3) To issue subpenas authorized by the Act;

(4) To rule upon offers of proof and receive evidence;

(5) To regulate the course and conduct of the hearing, including—

(i) Continuing the hearing from day to day or adjourning it to a later date or different place by announcement thereof at the hearing or by other appropriate notice;

(ii) Taking official notice of any material fact not appearing in evidence in the record;

(iii) Excluding from the hearing persons who engage in misconduct; and

(iv) Striking all related testimony of a witness who refuses to answer questions ruled to be proper;

(6) To rule on motions and to dispose of procedural requests or similar matters; and

(7) To issue recommendations and prepare orders.

(b) The Hearing Officer will conduct the hearing as expeditiously as possible, in accordance with instructions received from the Board in each individual case. Within 30 days after the close of the hearing, he will transmit the record of the hearing together with his recommendations and proposed order, if any, to the Board. A copy of any such recommendation or proposed order will be served on the parties at interest and other parties to the proceedings.

(c) The Hearing Officer's authority in each case will terminate upon transmitting the record of the hearing and his recommendation and proposed order, if any, to the Board.

§ 205.64 Record.

(a) The record of a formal hearing will consist of an account of the proceedings of such hearing and all documents and exhibits submitted during the course of such hearing.

(b) The Board will determine whether the account of the hearing shall be in the form of a report, minutes or transcript. If the hearing is conducted by a Hearing Officer, such determinations will be part of the instructions given to such Officer pursuant to § 205.63(b).

(c) Copies of the account of the hearing may be obtained by any party upon payment of the fees fixed therefor, if any.

Subpart F—Retroactive Pay Adjustments

§ 205.80 Purpose and scope.

(a) The purpose of this subpart is to establish procedures for initial action by the Board on requests for retroactive pay adjustments and for review or reconsideration, as appopriate, by the Board (or a panel of the Board) of denials of such requests.

(b) This subpart shall not apply to those requests for retroactive pay adjustments in which initial action is taken by IRS pursuant to authority delegated by the Board. In those cases in which initial action is taken by IRS, appeals from adverse actions may be filed with the Board in accordance with the regulations under Subpart B of this part.

(c) In all cases under paragraphs (a) and (b) of this section, requests for retroactive pay adjustments shall be filed with the Board or IRS as expressly provided for by the substantive provision under which application is being made (see §§ 201.13 and 201.15 of this chapter).

§ 205.81 Retroactive pay adjustment challenges; proceedings.

(a) For purposes of this subpart, a challenge to a retroactive pay adjustment may be filed by a party at interest (as defined in § 201.3 of this chapter) or two or more members of the Board. Such challenge must be filed within 28 days of prenotification or within 28 days of providing any additional information requested by the Board.

(b) Upon receipt of such a challenge, the Board will notify the parties at interest that a challenge to a retroactive pay adjustment has been filed and that they may participate in the proceedings by submitting a brief or other documentary evidence, or otherwise if the Board so directs.

(c) In addition, a person who is—

(1) An employer whose competitive position in a labor market would be adversely affected if the challenge were upheld or

(2) An employer-representative, or, in the absence of such representative, an employee whose bargaining position would be adversely affected if the challenge were upheld,

may make timely application to the Board for leave to participate in its proceedings, such person shall state his name and address, identify the docket number of the challenge, if known, state specifically the manner in which he is interested in the challenged adjustment, specify the relief sought, and sign the application for leave to participate.

(d) Upon receipt of an application filed in accordance with paragraph (c) of this section, the Board will determine whether the applicant's participation in the proceedings will contribute to the equitable disposition of the challenge.

(e) If the applicant meets the requirement of paragraph (d) of this section, he will be granted leave to participate. In such case, the Board will notify the applicant in writing and afford him a reasonable opportunity to submit documentary evidence or briefs in support of his position.

§ 205.82 Board decisions.

The procedural regulations contained in §§ 205.33 through 205.41 (relating to pay challenges) are generally adopted with respect to retroactive pay adjustments.

[FR Doc.72-6489 Filed 4-26-72;8:52 am]

SELECTIVE SERVICE SYSTEM

[32 CFR Part 1631]

ALLOCATION FOR INDUCTIONS

Action by Local Board

Pursuant to the Military Selective Service Act, as amended (50 United States Code App., sections 451 et seq.), and Executive Order No. 11623 dated October 12, 1971, the Director of Selective Service hereby gives public notice that consideration is being given to the following proposed amendments to the Selective Service Regulations constituting a portion of Chapter XVI of the Code of Federal Regulations. These regulations implement the Military Selective Service Act, as amended (50 United States Code App., sections 451 et seq.).

All persons who desire to submit views to the Director on the proposals should prepare them in writing and mail them to the General Counsel, National Headquarters, Selective Service System, 1724 F Street NW., Washington, DC 20435, within 30 days following the publication of this notice in the FEDERAL REGISTER.

The proposed amendments follow:

Paragraph (d)(5) of § 1631.6 is amended, and new paragraph (e) is added, to read as follows:

§ 1631.6 Action by local board upon receipt of allocation.

* * * * *

(d) * * *

(5) Any registrant who for 90 consecutive days remains a member of the Extended Priority Selection Group, fully available for induction or alternate service, and whose RSN is not reached in the Extended Priority Selection Group during those 90 days, shall be assigned to the Second Priority Selection Group.

* * * * *

(e) Notwithstanding the provisions of paragraph (b) of this section, the following sequence of actions shall be adhered to during the calendar year 1972:

(1) Nonvolunteers to whom orders to report for induction have been issued and as to whom the dates on which they were to report for induction have been postponed to a month in which there is an outstanding call will be forwarded for induction in the order of their random sequence number established by random selection procedures prescribed in accordance with § 1631.1 of this chapter.

(2) Volunteers who have not attained the age of 26 years shall be selected and ordered to report for induction in the sequence in which they have volunteered for induction.

(3) Nonvolunteers in the First Priority Selection Group shall be selected and ordered to report for induction in the order of their random sequence number established by random selection procedures prescribed in accordance with § 1631.1.

CURTIS W. TARR,
Director.

APRIL 25, 1972.

[FR Doc.72-6530 Filed 4-26-72;9:25 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Postlicensing Issuance of Securities

Notice is hereby given that pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, as amended (Act) 15 U.S.C. 661 et seq., it is proposed to amend, as set forth below, Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations, revised as of January 1, 1971, by amending § 107.805. Prior to final adoption of such amendments, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in triplicate, to the Office of the Associate Administrator for Investment, Small Business Administration, Washington, D.C. 20416, within a period of thirty (30) days of the date of publication of this notice in the FEDERAL REGISTER.

Information. The proposed amendment to § 107.805 would permit licensed small business investment companies registered under the Investment Company Act of 1940, as amended, to issue "qualified" stock options as defined in section 422 of the Internal Revenue Code subject to the limitations set forth in the proposed amendment.

By order dated May 14, 1971, the Securities and Exchange Commission granted a conditional exemption pursuant to section 6(c) from sections 18, 19, and 23 of the Investment Company Act of 1940 to permit the issuance by registered Small Business Investment Companies of stock options. The exemption is limited to such options as qualify under section 422 of the Internal Revenue Code as amended, and is conditioned on the adoption by the Small Business Administration of regulations satisfactory to the Commission with respect to the issuance of qualified options by such companies. The proposed regulation complies with this limitation and with this condition. The limitation and the condition would not apply to Small Business Investment Companies which are not registered under the Investment Company Act of 1940, as amended.

It is proposed that Part 107 be amended by adding a new paragraph (b) to § 107.805, to read as follows:

§ 107.805 Postlicensing issuance of securities.

* * * * *

(b) A licensee which is registered as an investment company under the Investment Company Act of 1940 may issue stock options provided each such option is a "qualified stock option" as defined in section 422 of the Internal Revenue Code and is granted pursuant to a plan which provides that—

(1) The option by its terms shall provide that it is exercisable by the individual to whom it is granted only if at all times during the period beginning with the date of the granting of the option and ending 3 months before the date of such exercise, such individual was an employee or officer of either the licensee which granted such option or a wholly owned subsidiary thereof, or a successor licensee or a wholly owned subsidiary thereof;

(2) The aggregate number of shares of any class of stock which may be issued under options pursuant to the terms of the plan shall not exceed 7½ percent of the total number of outstanding shares of such class (less shares reacquired and held in the treasury) at the time the plan is adopted;

(3) The individuals who are officers or employees of the licensee or of a wholly owned subsidiary thereof at the time the plan is adopted may not receive options to acquire more than an aggregate of 66⅔ percent of the total number of shares of each class of stock which may be issued under options pursuant to the terms of the plan; and

(4) No individual may receive an option or options to purchase more than 35 percent of the aggregate number of shares of each class which may be issued under options pursuant to the terms of the plan.

Dated: April 19, 1972.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.72-6390 Filed 4-26-72;8:46 am]

Notices

DEPARTMENT OF STATE

Agency for International Development

HOUSING GUARANTY PROGRAM FOR IRAN

Information for Investors

The Agency for International Development (AID) has advised the Industrial Development and Renovation Organization (the "Borrower"), an instrumentality of the Imperial Government of Iran that, upon execution by an eligible U.S. investor acceptable to AID of an agreement to loan the Borrower an amount not to exceed $25 million, and subject to the satisfaction of certain further terms and conditions by the Borrower, AID will guarantee repayment to the investor of the principal and interest on such loan. The guarantee will be backed by the full faith and credit of the United States of America and will be issued pursuant to authority in section 221 of the Foreign Assistance Act of 1961, as amended (the "Act"). Proceeds of the loan will be used for workers housing projects in Iran.

Eligible investors interested in extending a guaranteed loan to the Borrower should communicate promptly with:

Iranian Economic Mission,
5530 Wisconsin Avenue,
Chevy Chase, MD 20015

Investors eligible to receive a guaranty are those specified in section 238(c) of the Act. They are: (1) U.S. citizens; (2) domestic corporations, partnerships, or associations substantially beneficially owned by U.S. citizens; (3) foreign corporations whose share capital is at least 95 percent owned by U.S. citizens; and (4) foreign partnerships or associations wholly owned by U.S. citizens.

To be eligible for a guaranty, the loan must be repayable in full no later than the 25th anniversary of the final disbursement of the principal amount thereof and the interest rate may be no higher than the maximum rate to be established by A.I.D. A.I.D. will charge a guaranty fee equal to one-half of 1 percent per annum on the outstanding guaranteed principal amount of the loan.

Information as to eligibility of investors and other aspects of the A.I.D. housing guaranty program can be obtained from:

Director or Deputy Director,
Office of Housing,
Agency for International Development,
Room 501, SA-16
Washington, D.C. 20523

This notice is not an offer by A.I.D. or by the Borrower. The Borrower and not A.I.D. will select a lender and negotiate the terms of the proposed loan.

STANLEY BARUCH,
Director, Office of Housing, Agency for International Development.

APRIL 19, 1972.

[FR Doc.72-6457 Filed 4-26-72;8:51 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. A 6930]

ARIZONA

Notice of Proposed Classification of Public Lands for Transfer Out of Federal Ownership

1. Pursuant to the Taylor Grazing Act of June 28, 1934 (48 Stat. 1275, as amended, 43 U.S.C. 315), and the regulations in 43 CFR Part 2462, it is proposed to classify the public lands described below for transfer out of Federal ownership by exchange. The transfers would be accomplished under authority of section 8 of the Taylor Grazing Act.

2. Publication of this notice has the effect of segregating the described lands from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, except that these lands will remain open to filing of State exchange applications. If and when these lands are classified for exchange, applications for private exchange may be filed in accordance with the regulations in 43 CFR Part 2202.

3. The public lands proposed for classification in this notice are located in the vicinity of the Planet Ranch on the Bill Williams River in Mohave and Yuma Counties. These public lands have potential for residential development in conjunction with planned developments on private lands at the Planet Ranch. The transfer of these public lands out of Federal ownership by exchange will enable the United States to acquire State and private lands elsewhere along the Bill Williams River Valley and in the surrounding desert mountains, to help block up and preserve Federal land management areas with significant wildlife, recreation, and primitive values.

4. The public lands proposed for classification in this notice are shown on maps on file and available for inspection in the Phoenix District Office, Bureau of Land Management, 2929 West Clarendon Avenue, Phoenix, AZ 85017; the Kingman Office, Kingman, Ariz. 86401; and the State Office, 3022 Federal Building, Phoenix, Ariz. 85025.

5. The lands involved are located in Mohave and Yuma Counties and are described as follows:

GILA AND SALT RIVER MERIDIAN

T. 11 N., R. 16 W.,
Sec. 1, lots 3 and 4, S½NW¼, and SW¼;
Sec. 2, SW¼;
Sec. 3, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 5, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 6, lots 1 to 7, inclusive, SE¼NW¼, S½NE¼, E½SW¼, and SE¼;
Sec. 7, lots 1 to 4, inclusive, E½W½, and E½;
Sec. 9;
Sec. 11;
Sec. 12, W½;
Sec. 13, W½;
Sec. 15;
Sec. 16, N½, N½SW¼, SW¼SW¼, and SE¼;
Sec. 17;
Sec. 19, lots 1 to 4, inclusive, E½W½, and E½;
Sec. 23;
Sec. 24, W½;
Sec. 25, NW¼, NW¼SW¼, and SW¼NE¼;
Sec. 27, N½N½; and
Sec. 29, NW¼ and W½NE¼.
T. 11 N., R. 17 W.,
Sec. 34, NE¼NE¼; and
Sec. 36, SE¼NE¼.
T. 10 N., R. 16 W.,
Sec. 3, N½N½;
Sec. 4, N½N½;
Sec. 5, lot 1, N½NE¼, and NE¼NW¼; and
Sec. 6, lot 1.

The lands described aggregate approximately 9,646.37 acres of public land.

6. For a period of 60 days from date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views to the State Director, Bureau of Land Management, 3022 Federal Building, Phoenix, Ariz. 85025.

JOE T. FALLINI,
State Director.

APRIL 21, 1972.

[FR Doc.72-6413 Filed 4-26-72;8:48 am]

[Wyoming 32605]

WYOMING

Notice of Classification

APRIL 19, 1972.

Pursuant to 43 CFR 2462.1, the lands described below are hereby classified for disposal through exchange, under section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272) for lands within the Casper District.

The lands affected by this classification are described as follows:

SIXTH PRINCIPAL MERIDIAN, WYOMING

NATRONA COUNTY

T. 37 N., R. 79 W.,
Sec. 17, all;
Sec. 20, all.
T. 36 N., R. 80 W.,
Sec. 1, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 4, S½;
Sec. 9, all;
Sec. 29, all.

T. 37 N., R. 80 W.,
Sec. 13, SW¼SW¼.
T. 38 N., R. 80 W.,
Sec. 31, NW¼NE¼, and NE¼NW¼.
T. 38 N., R. 81 W.,
Sec. 23, SE¼NW¼;
Sec. 26, NW¼NW¼;
Sec. 34, NW¼NW¼, and NW¼SW¼.

The areas described aggregate 3,790.66 acres.

For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 320, Washington, D.C. 20240 (43 CFR 2462.3).

JESSE R. LOWE,
Acting State Director.

[FR Doc.72-6381 Filed 4-26-72;8:45 am]

[Wyoming 34023]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

Correction

In F.R. Doc. 72-5597 appearing at page 7352 in the issue of Thursday, April 13, 1972, the fourth line of the land description, now reading "T. 20 N., R. 64 W.,", should read "T. 26 N., R. 64 W.,".

National Park Service

GLACIER NATIONAL PARK, MONT.

Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with the provisions of the Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1131, 1132), and in accordance with departmental procedures as identified in 43 CFR 19.5 that public hearings will be held beginning at 1:30 p.m. on June 27, 1972, in the Rainbow Room, Rainbow Hotel, 20 Third Avenue North, Great Falls, MT, and on June 29 at the Elks Club, Highway 93 South, Kalispell, Mont., for the purpose of receiving comments and suggestions as to the appropriateness of a proposal for the establishment of wilderness comprising about 907,400 acres within the Glacier National Park, Flathead and Glacier Counties, Mont.

A packet containing a draft master plan and preliminary wilderness study report, and providing additional information about the proposal may be obtained from the Superintendent, Glacier National Park, West Glacier, Mont. 59936, or from the Director, Midwest Region, National Park Service, 1709 Jackson Street, Omaha, NE 68102.

A description of the preliminary boundaries and a map of the areas proposed for establishment as wilderness are available for review in the above offices and in Room 1013 of the Department of the Interior Building at 18th and C Streets NW., Washington, DC.

Interested individuals, representatives of organizations and public officials are invited to express their views in person at the aforementioned public hearings, provided they notify the Hearing Officer, in care of the Superintendent, Glacier National Park, West Glacier, Mont. 59936, by June 23 of their desire to appear. Those not wishing to appear in person may submit written statements on the wilderness proposal to the Hearing Officer, at that address for inclusion in the official record, which will be held open for 30 days following conclusion of the hearing.

Time limitations may make it necessary to limit the length of oral presentations and to restrict to one person the presentation made in behalf of an organization. An oral statement may, however, be supplemented by a more complete written statement which may be submitted to the Hearing Officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered for inclusion in the transcribed hearing record. However, all materials so presented at the hearing shall be subject to determinations that they are appropriate for inclusion in the transcribed hearing record. To the extent that time is available after presentation of oral statements by those who have given the required advance notice, the Hearing Officer will give others present an opportunity to be heard.

After an explanation of the proposal by a representative of the National Park Service, the Hearing Officer, insofar as possible, will adhere to the following order in calling for the presentation of oral statements:

(1) Governor of the State or his representative.
(2) Members of Congress.
(3) Members of the State Legislature.
(4) Official representative of the counties in which the proposed wilderness is located.
(5) Officials of other Federal agencies or public bodies.
(6) Organizations in alphabetical order.
(7) Individuals in alphabetical order.
(8) Others not giving advance notice, to the extent there is remaining time.

Dated: April 10, 1972.

THOMAS FLYNN,
Deputy Director,
National Park Service.

[FR Doc.72-6414 Filed 4-26-72;8:48 am]

DEPARTMENT OF AGRICULTURE

Forest Service

DEMONSTRATION OF MISS SYSTEM FOR SPRUCE BUDWORM CONTROL, MONTANA

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for a proposed Demonstration of the Modular Internal Spray System for Spruce Budworm Control in Montana, USDA-FS-DES(Adm) 72-31.

The environmental statement concerns a proposal to conduct an aerial spray demonstration on approximately 3,000 acres of western spruce budworm infested timber on the Ninemile Ranger District of the Lolo National Forest in western Montana.

This draft environmental statement was filed with CEQ on April 14, 1972.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3230, 12th Street and Independence Avenue SW., Washington, DC 20250.
USDA, Forest Service, Northern Region, Federal Building, Missoula, Mont. 59801.
Lolo National Forest, 2801 Russell, Missoula, MT 59801.

A limited number of single copies are available upon request to Mr. Steve Yurich, Regional Forester, U.S. Forest Service, Federal Building, Missoula, Mont. 59801.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151 for $3 each. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Mr. Steve Yurich, U.S. Forest Service, Federal Building, Missoula, Mont. 59801. Comments must be received within 30 days of the date of publication of this notice in order to be considered in the preparation of the final environmental statement.

Dated: April 24, 1972.

THOMAS C. NELSON,
Deputy Chief, Forest Service.

[FR Doc.72-6472 Filed 4-26-72;8:52 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

PUBLIC HEALTH SERVICE AND FOOD AND DRUG ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 6, formerly part 10 (Food and Drug Administration) of the Statement

of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare (35 F.R. 3685-92, dated Feb. 25, 1970) is amended to reflect the redesignation of the Immediate Office of the Commissioner and the establishment of the Office of the Associate Commissioner for Medical Affairs.

Section 6B is amended as follows:

SECTION 6B *Organization.* * * *

* * * * *

(aa) *Immediate Office of the Commissioner.* The Commissioner and the Deputy Commissioner are responsible for the efficient and effective implementation of FDA's mission.

(a) *Office of the Associate Commissioner for Medical Affairs.* Functions as principal advisor to the Commissioner on medical matters which impact on policy and direction, and long-range program goals.

Provides leadership on medical matters and stimulates medical effort and achievement in the Agency.

Provides for the continuing appraisal of FDA medical research programs and projects.

Serves as a member or chairman of FDA's medical advisory and planning committees such as the FDA Drug Advisory Council.

Provides medical opinions on special and overall program problems which cross Bureau lines and also where medical aspects are controversial or critical.

Serves as an adviser on medical research contracts, medical committees, and special medical projects of agency-wide scope.

Evaluates medical research results originating from other Government agencies and private institutions for potential utilization in FDA.

Proposes, develops, and implements policies, regulations, standards, and field inspectional and laboratory programs relating to reducing injuries and eliminating hazards from unsafe or ineffective medical devices.

(a-1) *Office of Medical Devices.* Develops standards and scientific policy, and conducts research with respect to the efficacy, reliability, and safety of medical devices.

Operates a national medical device monitoring system.

Plans, coordinates, and evaluates the Agency's surveillance and compliance medical device programs; and initiates compliance actions on medical device matters as necessary.

Evaluates the safety and efficacy and labeling of medical devices.

Develops and coordinates the development of regulations, standards, and field inspectional and laboratory programs covering medical device industry practices and fosters the development of good manufacturing practices.

Provides assistance in the handling of legal actions on medical device matters.

Collects and evaluates data on significant hazards to the public health caused by the use of medical devices and proposes necessary laws and regulations to protect the public.

Provides the Commissioner with authoritative advice on significant existing and anticipated problems related to FDA responsibilities in the area of medical device safety.

Develops and disseminates information materials on medical device problems.

Collects and evaluates data for classification of all medical devices into regulatory categories.

* * * * *

Dated: April 21, 1972.

STEVEN D. KOHLERT,
Deputy Assistant Secretary for Management.

[FR Doc.72-6456 Filed 4-26-72;8:51 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-358]

CINCINNATI GAS AND ELECTRIC CO. ET AL.

Notice and Order for Prehearing Conference

In the matter of Cincinnati Gas & Electric Co., Columbus & Southern Ohio Electric Co., Dayton Power & Light Co. (Wm. H. Zimmer Nuclear Power Station), Docket No. 50-358.

The Atomic Energy Commission, by its Notice of Hearing for Application for Construction Permit, published in the FEDERAL REGISTER on March 7, 1972 (37 F.R. 4925), provided that the date and place of a prehearing conference and of the evidentiary hearing will be set by the Atomic Safety and Licensing Board in the matter of the application filed by the Cincinnati Gas & Electric Co., et al. to construct the William H. Zimmer Nuclear Power Station, Unit No. 1.

Accordingly, a prehearing conference has been scheduled for May 12, 1972, at the Clermont County Court House, Batavia, Ohio.

All members of the public are entitled to attend this prehearing conference, as well as the full evidentiary hearing in this proceeding. The evidentiary hearing will be scheduled at a later date and public notice thereof will be given. The prehearing conference will be conducted in accordance with § 2.752 of the Commission's rules of practice, 10 CFR 2.752, which provides for development of procedures for the evidentiary hearing.

The procedures to be considered at this prehearing conference will be related to simplification and clarification of issues, possibility of obtaining stipulations and admissions of fact in order to avoid duplication in presentation of evidence, and other matters which will aid in an orderly disposition of the case to be presented in a full public hearing.

The prehearing conference on May 12, 1972, will not receive any evidence, nor will there be 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 of the evidentiary hearing.

Wherefore, it is ordered, In accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission, that the initial session of the prehearing conference in this proceeding shall convene at 9:30 a.m. local time, on Friday, May 12, 1972, at the Clermont County Court House, 270 Main Street, Batavia, OH.

Issued: April 21, 1972, Washington, D.C.

By order of the Atomic Safety and Licensing Board.

JOHN B. FARMAKIDES,
Chairman.

[FR Doc.72-6426 Filed 4-26-72;8:49 am]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

Notice of Issuance of Facility Operating License Amendment

The Atomic Energy Commission (the Commission) has issued, effective as of the date of issuance, Amendment No. 1 to Facility Operating License No. DPR-28, dated March 21, 1972. The license, as originally issued, authorized the Vermont Yankee Nuclear Power Corp. to load fuel and perform low-power testing, at power levels not to exceed 15.9 megawatts (thermal), of the Vermont Yankee Nuclear Power Station. Amendment No. 1 modifies the license to authorize the receipt, possession and use of (1) an additional gram of U-235 (previously authorized for storage under License No. SNM-1151) as fission detectors for use in the reactor instrumentation system, and (2) five additional curies of americium 241 as a sealed source and eight sources of 1,200 curies each of antimony 124 as sealed sources (all of which were previously authorized for storage under Byproduct Material License No. 44-13669-01).

The Commission has found that the amendment complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act) and of the rules and regulations of the Commission and that the public health, safety, and interest require that the amendment be made effective immediately.

Within twenty (20) 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 the issuance 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 appropriate order.

Dated at Bethesda, Md., this 21st day of April 1972.

For the Atomic Energy Commission.

ROGER S. BOYD,
Assistant Director for Boiling Water Reactors, Division of Reactor Licensing.

[FR Doc.72-6408 Filed 4-26-72;8:48 am]

DEPARTMENT OF COMMERCE

Office of Import Programs

COLD SPRING HARBOR LABORATORY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00117-99-43780. Applicant: Cold Spring Harbor Laboratory, Post Office Box 100, Cold Spring Harbor, NY 11724. Article: Floating current clamps. Manufacturer: University of Bristol, United Kingdom.

Intended use of article: The article will be used in teaching a course in practical neurobiology in which the article will pass a nano amp current between two intercellular microelectrodes without passing any current across the neuron membrane.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the capability for passing nanoampere currents between two intercellular microelectrodes without passing any current across the neuron membrane. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated March 3, 1972, that the capability described above is pertinent to the purposes for which the article is intended to be used. HEW also advises it knows of no comparable domestic instrument which is scientifically equivalent to the foreign article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director, Office of Import Programs.

[FR Doc.72-6445 Filed 4-26-72;8:50 am]

COLUMBIA UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00597-75-20700. Applicant: Columbia University, Nevius Laboratories, Post Office Box 137, 136 South Broadway, Irvington, NY 10533. Article: 50 pieces of polished lead glass. Manufacturer: Ohara Optical Glass Manufacturing Co., Ltd., Japan.

Intended use of article: The articles will be used with photomultiplier tubes and associated electronics to detect very high energy electrons and protons which deposit all their energy in the lead glass.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant requires glass suitable for the construction of a Cerenkov type radiation detector. We are advised by the National Bureau of Standards (NBS) in its memorandum dated March 8, 1972 that (1) the stated requirements for a high lead content and for optical clarity are pertinent to the applicant's intended use, (2) the specifications for the foreign article satisfies these pertinent characteristics, and (3) NBS knows of no domestic manufacturer of an item scientifically equivalent to the foreign article for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director, Office of Import Programs.

[FR Doc.72-6446 Filed 4-26-72;8:50 am]

CORNELL UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00176-75-20700. Applicant: Cornell University, Laboratory of Nuclear Studies, Wilson Laboratory, Ithaca, N.Y. 14850. Article: Lead glass. Manufacturer: Ohara Glass, Japan.

Intended use of article: The article will be used in several experiments as detectors to measure the energy and point of conversions of multi-GeV gamma rays. The article will also be used to train a number of graduate students in constructing, testing, calibrating, and finally using the detectors in experiments providing the basis for their Ph. D. theses.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Gamma rays to be detected create a showering process which is statistical in nature on entry into the article or comparable glass. This process generates light known as Cerenkov light. Any attenuation of this light contributes to a worsening of the measurement of the energy of the gamma rays. The most closely comparable apparatus is manufactured by Corning Glass Works (Corning). We are advised by the National Bureau of Standards in its memorandum dated March 29, 1972, that (1) a high optical transmission is pertinent to the applicant's research studies, (2) the transmission of the comparable Corning glass does not match that of the article and (3) it knows of no domestic manufacturer of an item scientifically equivalent to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director, Office of Import Programs.

[FR Doc. 72-6447 Filed 4-26-72;8:50 am]

JOHNS HOPKINS UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00012-98-20700. Applicant: The Johns Hopkins University,

Purchasing Department, Charles and 34th Streets, Baltimore, MD 21218. Article: Glass, 100 pieces Type PEHG4 (SF5) 673321. Manufacturer: Ohara Optical Glass Manufacturing, Ltd., Japan.

Intended use of article: The article will be used to construct a detector which will allow measurement of gamma energy by electromagnetic shower production and subsequent observation of that shower via emitted Cerenkov radiation. The gamma rays are manifestations of exotic phenomena such as magnetic monepole formation or parton annihilation.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant requires glass suitable for the construction of a Cerenkov type radiation detector. We are advised by the National Bureau of Standards (NBS) in its memorandum dated March 9, 1972, that (1) glass for use in Cerenkov type detectors must have a high lead content and must have high optical clarity, (2) the foreign article satisfies these pertinent requirements, and (3) NBS knows of no domestic manufacturer of an item scientifically equivalent to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director, Office of Import Programs.

[FR Doc.72-6449 Filed 4-26-72;8:50 am]

NATIONAL INSTITUTES OF HEALTH

Notice of Decision on Application For Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00335-00-46040. Applicant: National Institutes of Health, National Heart and Lung Institute, Building 10, Room 5N204, Bethesda, Md. 20014. Article: 70 mm. film camera for EM6B electron microscope. Manufacturer: AEI Scientific Apparatus, Ltd., United Kingdom.

Intended use of article: The article will be used with an existing electron microscope to record the transmission electron microscopic image of the entire length of the intimal region of blood vessel segments.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to a compatible accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used and is pertinent to the applicant's studies.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

SETH M. BODNER,
Director, Office of Import Programs.

[FR Doc.72-6450 Filed 4-26-72;8:51 am]

N.Y.S. INSTITUTE FOR RESEARCH IN MENTAL RETARDATION

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 72-00391-33-46040. Applicant: N.Y.S. Institute for Research in Mental Retardation, 1050 Forest Hill Road, Staten Island, NY 10314. Article: Electron microscope, Model HS-8-2. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article is intended to be used for studies of viruses and virus infected cells and tissues. Determination of the purity, ultrastructure and particle/infectivity ratio of the viruses under study, will provide information as to the nature of the viral infection at the cellular and subcellular level. By studying cell cultures or tissues derived from patients or sick animals, important knowledge will be obtained as to the pathogenesis of the viral disease and the possible role of dual virus infection in some of the diseases. The article will also be used for training junior scientists and technicians in electron microscope techniques. Application received by Commissioner of Customs: February 17, 1972.

Docket No. 72-00384-33-90500. Applicant: Swedish Covenant Hospital, Department of Pathology, 5145 North California Avenue, Chicago, IL 60625. Article: Lanco assembly apparatus. Manufacturer: Langendorf Watch Co., Lanco-Economic, Switzerland. Intended use of article: The article is intended to be used in experimental medical laboratory testing which will include study of time and motion on laboratory tests in the hospital when regulated by the article. Application received by Commissioner of Customs: February 11, 1972.

Docket No. 72-00405-33-46040. Applicant: University of Rochester, School of Medicine, Department of Pathology, 260 Crittenden Boulevard, Rochester, NY 14642. Article: Electron microscope, Model HS-8, and accessory. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article is intended to be used for educational purposes for introduction of electron microscopy as an elective for successive groups of 3-4 medical students, for graduate students and residents. Fundamentals of electron microscopy, with emphasis only on basic procedures in the operation of an electron microscope are covered. This introduction is also given as part of Course 593 *"Special Topics in Pathology"* to graduate students in each academic year. Application received by Commissioner of Customs: February 23, 1972.

Docket No. 72-00406-00-07500. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, IL 60439. Article: Closed bomb reaction calorimeter assembly. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is an accessory to a Reaction and Solution Calorimetric System being used in a program to determine the heats of formation of those compounds which are of interest in nuclear and high-temperature technology. Examples of such compounds are $NaVO_3$, Na_2VO_4, CS_2VO_4, CS_2O, TH^{+4} (aq), UI_3 and UI_4. Application received by Commissioner of Customs: February 23, 1972.

Docket No. 72-00407-00-46000. Applicant: Indiana University, Bloomington, Ind. 47401. Article: Counting chamber, Manufacturer: Hawksley & Sons, United Kingdom. Intended use of article: The article is an accessory to an electron microscopy intended to be used by faculty, graduate students and many classes in the microbiology department in examinations of bacterial suspensions. Application received by Commissioner of Customs: February 29, 1972.

Docket No. 72-00408-33-46500. Applicant: State University of New York, Upstate Medical Center, 766 Irving Avenue, Syracuse, NY 13210. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in a research program concerned with lipid metabolism and the pathogenesis of lipid accumulation in mammalian cells, either maintained in the laboratory in continuous tissue culture or obtained from experimental animals and human patients. The article will be used to prepare ultrathin sections of plastic embedded mammalian cells for observation with the electron microscope in order to localize the original site of lipid droplet accumulation. Application received by Commissioner of Customs: February 29, 1972.

Docket No. 72-00409-01-77040. Applicant: University of California, Space Sciences Laboratory, Berkeley, Calif. 94720. Article: Mass spectrometer, Model MAT 311. Manufacturer: Varian MAT GmbH, West Germany. Intended use of article: The article is intended to be used in various studies including the study of lunar carbon chemistry and its relationships to that of light stable elements, volatile elements and rare gases and monitoring of ultra-organic clean and dry facility for study of special pristine returned lunar samples. Application received by Commissioner of Customs: February 29, 1972.

Docket No. 72-00410-90-59000. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, IL 60439. Article: High Intensity pulsed xenon arc lamps. Manufacturer: I. Weinberger, Switzerland. Intended use of article: The articles will be used to supply light for high speed photography of vapor explosions. The specific investigation will be of pre-explosion mixing in a molten NaCl-H_2O system to determine the effect of mixing on the explosion efficiency. Application received by Commissioner of Customs: February 29, 1972.

Docket No. 72-00411-33-46500. Applicant: New York City Health & Hospital Corp., 125 Worth Street, New York, NY 10013. Article: Ultramicrotome, Model OM U2. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article is intended to be used in clinical applications in patient care to diagnose various kidney diseases and to investigate aspects of carcinogenesis. In addition the article will be used for the investigations of ferritin biosynthesis in mouse liver and in phycomyces blakesleeanus as well as the recently discovered embryonic antigen studies. The article will also be used in teaching the house staff, particularly the residents in pathology, to become acquainted with the electron microscopic studies. Application received by Commissioner of Customs: February 29, 1972.

Docket No. 72-00412-33-46040. Applicant: National Heart and Lung Institute, Laboratory of Biochemical Genetics, Building 10, Room 6D18, National Institutes of Health, Bethesda, Md. 20014. Article: Electron microscope, Model HU-12. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article is intended to be used in studies on the neuronal properties of cultural neuroblastoma cell clones. This research will involve the following aspects:

(1) Comparing the ultrastructure of various clones and of somatic cell hybrids whose biochemical characteristics are being studied.

(2) Study of interactions between neuroblastoma cells and between such cells and muscle cells.

(3) Characterization of fibrous organelles and proteins isolated from the neuroblastoma cells, including comparison of these with brain cell counterparts.

Application received by Commissioner of Customs: February 29, 1972.

Docket No. 72-00413-01-77040. Applicant: The City College of the City University of New York, Department of Chemistry, 138th Street and Convent Avenue, New York, NY 10031. Article: Mass Spectrometer, Model MS 902S. Manufacturer: Associated Electrical Industries, Ltd., United Kingdom. Intended use of article: The article is intended to be used for research in the following areas:

A. Structural studies:
(1) Products and intermediates in chemical reactions.
(2) Products and intermediates in enzymic reactions.
(3) Natural products:
(a) Terpenes, sterols, alkaloids, and steroids.
(b) Hormones.
(c) Amino acids and polypeptides.
(d) Lipids of all classes.
B. Analysis:
(1) Study of biosynthetic pathways with stable isotopes.
(2) Study of organic chemical reactions with stable isotopes.
(3) Study of mass spectral fragmentation patterns with stable isotopes.
(4) Composition of membranes.
(5) Identification of drugs and drug metabolites.
C. Reaction mechanisms:
(a) Mass spectral reaction mechanisms and the exploration of the relationship between photochemical and electron-impact induced processes.
(b) Study of the mechanism of metastable ion formation and the use of metastable ions in structure elucidation.

Some selected examples of current research requiring high resolution mass spectrometry are (1) tautomerization and dimerization studies, (2) hidden exchange of formyl hydrogens in strong aqueous acid, and (3) polyhalosulfolipids and phytoflagellates. The article is also intended to be used for educational purposes in conjunction with a basic laboratory course in research techniques in organic chemistry which is required of all graduate students majoring in organic chemistry. This course covers the theory, practice and application of spectrometric methods to structure elucidation problems. Application received by Commissioner of Customs: February 29, 1972.

Docket No. 72-00414-33-46500. Applicant: Veterans Administration Hospital, Laboratory Service, 4801 Linwood Boulevard, Kansas City, MO 64128. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of a wide variety of pathologic human tissue for diagnostic interpretation with emphasis on hepatic, renal, hematologic and neoplastic pathology. Many of these objects of study will require differentiation and cellular interrelationships of fibrillar protein such as collagen, myosin, fibrin and amyloid. Cytological characterization of canine lymphoma and leukemia will be accomplished. The interaction of antigen and antibody involving cellular and subcellular location of antigen in synovial membrane and the fate of antigen will be investigated. Application received by Commissioner of Customs: March 1, 1972.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-6442 Filed 4-26-72;8:50 am]

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00113-75-27000. Applicant: University of California, Lawrence Radiation Laboratory, East End of Hearst Avenue, Berkeley, Calif. 04720. Article: Electron tubes. Manufacturer: Compagnie Generale de Telegraphie Sans Fil France.

Intended use of article: The article will be used in a protondeuteron accelerator complex (the Bevatron) to furnish power at approximately 200 MHz for the second of three stages of acceleration, a 50 Mev. linear accelerator. The ultimate goal of the Bevatron is to provide protons or deuterons to high energy physics experiments involved in the exploration of nuclear structure of matter. Application received by Commissioner of Customs: August 27, 1971.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to components for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer

which produced the instrument with which the article is intended to be used.

The Department of Commerce knows of no similar components being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

SETH M. BODNER,
Director, Office of Import Programs.

[FR Doc.72-6443 Filed 4-26-72;8:50 am]

UNIVERSITY OF CHICAGO

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00445-79-50600. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, IL 60439. Article: Four fission chambers, neutron sensitive; overall diameter, 1.5 inches; overall diameter, 22 feet; neutron sensitivity, 0.1 counts per second of unit flux; plus associated signal cables that can operate reliably in the range of 800° F. to 1400° F. Manufacturer: Twentieth Century Electronics, Ltd., United Kingdom.

Intended use of article: The fission counters are being procured for evaluation for application to monitoring neutron flux in uncooled instrument thimbles of the Liquid Metal Fast Breeder Reactors (LMFBR).

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant is evaluating fission chambers for use in neutron flux monitoring in a breeder reactor for reliability of operation to a maximum temperature between 800° F. and 1400° F. Comparable domestic instruments have been evaluated and found unsatisfactory. We are advised by the National Bureau of Standards (NBS) in its memorandum dated March 16, 1972, that the availability of the article for the evaluation described above is pertinent to the applicant's investigation. NBS further advises that it knows of no domestic manufacturer of an instrument scientifically equivalent to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director, Office of Import Programs.

[FR Doc.72-6444 Filed 4-26-72;8:50 am]

UNIVERSITY OF KENTUCKY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00611-90-46070. Applicant: University of Kentucky, College of Agriculture, Lexington, Ky. 40506. Article: Scanning electron microscope, Model Mark IIA. Manufacturer: Cambridge Instruments, United Kingdom.

Intended use of article: The article will be used as a research tool in a variety of programs which involve bone and muscle structure, wearing potential of the alloy and tooth enamel; behavior of wood fiber after chemical treatment and relationships of fiber geometry to tensile rupture; morphological and structure/function studies of leafhoppers and acarina; cracks and fractions in ceramics, fracture behavior of titanium alloys, topography of radiation damages in silicon and precipitate effect on aluminum/copper alloys. The educational uses of the article will consist of demonstrations of a variety of phenomena in both Engineering and Biology in undergraduate and graduate courses.

Comments: No comments have been received with respect to this application. Letter dated March 16, 1972 from Advanced Metals Research Corp. (received after the expiration of the comment period) is being treated as additional information in accordance with section 701.10(a) of the regulations to the extent that it contains factual information.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (October 22, 1969).

Reasons: Captioned application is a resubmission of Docket No. 70-00369-65-46070 which was denied without prejudice to resubmission on October 23, 1970 due to informational deficiencies contained therein. The foreign article provides an 18° focused and 11° collimated 2 theta deflection of the beam which permits the production of meaningful pseudo Kikuchi patterns in the normal scanning mode of operation. The published specifications of available domestic scanning electron microscopes do not indicate a similar capability. We are advised by the National Bureau of Standards (NBS) in its memorandum dated March 16, 1972, that the foreign article's capability for "Kikuchi-like" reflection patterns in the normal scanning mode of operation permits investigation of strain distributions and is, therefore, pertinent to the applicant's intended use in microcrystallography analysis. NBS further advises that it knows of no domestically manufactured instrument which would provide a capability scientifically equivalent to the foreign article for this pertinent characteristic as of the purchase date of the article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used which was being manufactured in the United States at the time the foreign article was ordered.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-6448 Filed 4-26-72;8:50 am]

UNIVERSITY OF ROCHESTER

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00507-00-84300. Applicant: University of Rochester, River Station, Rochester, N.Y. 14627. Article: Wind tunnel balance, Model 528. Manufacturer: T.E.M. Instruments, United Kingdom.

Intended use of article: The article will be used with an existing MAS wind tunnel in order to investigate aerodynamic forces on aircraft in subsonic flight.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article intended to be used, is being manufactured in the United States.

Reasons: The foreign article is a sliding weight wind tunnel balance measuring lift, drag and pitching movement designed for use with the smaller type and size of wind tunnel normally used in Universities, Technical Colleges etc. Other available balances utilize strain

gage electronics. We are advised by the National Bureau of Standards (NBS) in its memorandum dated February 25, 1972, that the simplicity and visability of the article are of pertinent advantage, when compared to the normal electronic balances in the applicant's intended use. NBS further advises that it knows of no comparable domestic instrument providing a capability equivalent to the article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-6451 Filed 4-26-72;8:51 am]

VETERANS ADMINISTRATION HOSPITAL, KANSAS CITY, MO.

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00110-33-07500. Applicant: Veterans' Administration Hospital, 4801 Linwood Boulevard, Kansas City, MO 64128. Article: LKB Microcalorimeter. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used in research to measure the heats of various proteins reactions such as substrate binding, and the kinetic measurements of enzyme systems.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated March 17, 1972, that the applicant's use of the foreign article includes measurement of heats of reaction of enzyme systems which will require the best sensitivity available with the smallest size of sample. HEW further advises that comparable domestic instruments which match the foreign article's flow sensitivity (0.1 microcalories/second), particularly with small samples, is not available.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-6452 filed 4-26-72;8:51 am]

WISCONSIN STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00108-99-54900. Applicant: Wisconsin State University, Grand Avenue, Superior, Wis. 54880. Article: Scanning stereoscope, ODSS III. Manufacturer: N.V. Optische Industrie "De Oude Delft," the Netherlands.

Intended use of article: The article is intended to be used for university level instruction in the following courses: (1) Airphoto Interpretation with special emphasis on the scientific analysis of environmental problems; (2) Environmental and Urban Planning—the effects of the urban development on the environment will also be studied; (3) Independent Study—scientific analysis of air photos.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated March 17, 1972, that the foreign article's capability for permitting the student and instructor to view the same photographs simultaneously is pertinent to teaching air photograph interpretation. HEW further advises that it knows of no comparable domestic instrument that provides the pertinent capability.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc. 72-6453 Filed 4-26-72;8:51 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23287; Order 72-4-116]

AIR FREIGHT FORWARDERS

Order Instituting Charters Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 24th day of April 1972.

In EDR-198,[1] the Board issued an advance notice of proposed rule making with respect to the possibility of, inter alia, limiting the regularity and frequency of charters by air freight forwarders. In the explanatory statement (p. 1) the Board noted that its present regulations[2] reflect a policy, evolved particularly between 1948 and 1959, permitting air freight forwarders (both domestic and international)[3] to charter aircraft from direct air carriers (both scheduled and supplemental) and also permitting air freight forwarders to joint load, including joint loading on charters. Yet, because the policy had evolved at a time when the practices in question were so infrequent as to render the matter rather academic, the Board further noted that comments filed in connection with the Airlift/Shulman/WTC arrangements (Docket 22057)[4] had prompted the Board to "reexamine the matter of chartering by air freight forwarders" (p. 2). These arrangements involved all the various aspects of the problem, since the agreement filed on March 27, 1970, by Airlift and Shulman (CAB 21699) provided for a long-term charter of an aircraft to an air freight forwarder, to be operated from New York to Los Angeles 5 days a week, and the cargo was to be that of Shulman or of WTC, another air freight forwarder, pursuant to a joint-loading agreement (CAB 21800).[5] Having noted that the Airlift/Shulman/WTC arrangements are "within the permissible

[1] Dated Apr. 14, 1971, Docket 23287.

[2] 14 CFR Parts 296, 297.

[3] The charter authority of international air freight forwarders is presently subject to some restrictions. See § 297.23.

[4] On Mar. 27, 1970, Airlift International, Inc., an all-cargo carrier, and Shulman, Inc., an air freight forwarder, filed an agreement (CAB 21699) providing for the charter of a DC-8-63F aircraft from Airlift to Shulman to operate from New York to Los Angeles 5 days a week for a 1-year period beginning Apr. 1, 1970. On Mar. 31, 1971, the parties filed an agreement extending the arrangement for 1 year (CAB 21699-A-2). The basic agreement provides that the cargo shall be that of Shulman or another air freight forwarder, WTC Air Freight, Inc., pursuant to a joint-loading agreement (CAB 21800). The Flying Tiger Line Inc., another all-cargo carrier, filed a motion seeking an order to show cause why the charter agreement should not be disapproved (Docket 22057). In the advance notice of rule making, the Board stated that it was deferring action on the Airlift/Shulman/WTC agreements and Flying Tiger's motion for a show cause order pending the outcome of the rule making proceeding.

[5] CAB agreement 22727, filed by Shulman and WTC on Oct. 8, 1971, supersedes CAB 21800.

scope of our present regulations" (ibid.), the Board proceeded to observe:

> However, conditions in the industry have changed since the present regulations were adopted and we believe that the question of whether air freight forwarders should be allowed to charter aircraft, particularly on a regular basis should be re-examined in light of present conditions.

Thirty-four comments on EDR–198 were filed with the Board.[6] The filed comments have not contributed significantly to our understanding of the problem nor been particularly helpful in furnishing empirical information which might suggest an appropriate resolution. However, we have been able to glean from these comments the principal arguments that can be made for and against the Board's continuing to permit freight forwarders to charter aircraft on a regular basis.

The arguments in favor of continuing the Board's present policy of permitting freight forwarders to charter aircraft on a regular basis are: (1) Lower rates, obtained by the chartering forwarders, could be passed on to the shipping public; (2) lower rates will benefit the entire industry by attracting new business; (3) restrictive rules at this time would be premature, since the practice poses no present threat to scheduled cargo carriers. Arguments against the Board's present policy are: (1) Charters by freight forwarders—especially on a regular basis—tend to operate in favor of the few large forwarders and to the detriment of most forwarders, who are too small to charter aircraft; (2) in light of the direct carriers' present overcapacity, a few dominant forwarders could (a) wield undue economic leverage in negotiating rates, and (b) unduly influence the type and quality of service to be provided; (3) development of scheduled air cargo service could be hindered by diversion of volume cargo; (4) charters of aircraft by forwarders from supplemental carriers on a regular basis would be inconsistent with the charter concept; (5) the practice is about to proliferate, so that restrictive regulations should be adopted at this time, before investments and arrangements are made on the basis of the existing permissive rules.

It has become increasingly clear in the progress of the instant proceedings that there is a dearth of hard facts available to help the Board decide which rules, if any, should be proposed. As indicated above, the comments thus far filed have not included the kind of data essential to determining the proper course of regulatory action. At the same time it has also become increasingly clear that the problem is very substantial, and that present industry conditions militate in favor of the Board's studying it with promptness and thoroughness.

We have therefore concluded that a formal evidentiary hearing is the most satisfactory means of resolving all of the issues raised in the rule making proceeding. Accordingly, we are herein instituting a general investigation to determine what the Board's policy should be with respect to the chartering of aircraft by domestic and international air freight forwarders; what amendments, if any, should be made in Part 296 (classification and exemption of indirect air carriers) and Part 297 (classification and exemption of international air freight forwarders) of the Board's Economic Regulations to implement the chosen policy; and whether we should continue to permit joint loading on charters on an unrestricted basis by domestic and international air freight forwarders. Although the subsidiary issues will be subject to precise delineation and refinement at the prehearing conference, we fully expect the record in this proceeding to be developed on such critical decisional factors as the effect that restricted or unrestricted chartering of aircraft and joint loading on charter flights by domestic and international air freight forwarders will have on cargo rate levels; the impact of such cargo rate levels on: Cargo load factors for both combination and all-cargo aircraft in scheduled service; the economics of cargo operations for scheduled air carriers and air freight forwarders; the quality of scheduled air cargo services; the generation of new air cargo traffic; air cargo growth rates; cargo diversion from scheduled air service and surface modes; and the further concentration of economic power in the air freight forwarder industry. We also expect the parties to develop the record on the effect of joint loading agreements on the volume of charter activity by air freight forwarders and the desirability of closed and open-ended joint loading agreements.[7] Finally, we expect an adequate record to be developed as to whether it is consistent with the statutory limitations on supplemental air carriers' operating authority for these carriers to perform charter flights for air freight forwarders.

There remains the question as to what administrative action, if any, the Board should take, pending the outcome of this proceeding with respect to agreements calling for scheduled charter services for forwarders. Although the Airlift/Shulman/WTC arrangement appears to involve the only such charter presently before the Board,[8] the filed comments in the rule making proceeding indicate that there is good reason to believe that the practice may soon spread.[9] The Board has determined, for the time being, to maintain the present legal status of such charters under our existing rules and policies. However, carriers and forwarders alike are on notice that these rules and policies may be changed as a result of the investigation herein instituted. Consequently, any investment and long-term arrangements made by forwarders and carriers on the basis of existing rules and policies during the pendency of this proceeding will be undertaken at the parties' own risk.

Accordingly, it is ordered, That:

1. Action on Agreements CAB 21699, 21699–A2, 22722,[10] and 22727 be and it hereby is deferred further;

2. Action in Docket 22057 is also deferred further; [11]

3. An investigation to be known as Air Freight Forwarders' Charters Investigation be initiated for the purpose of considering the issues discussed above and deciding, in light of the evidence, what further action should be taken with respect thereto, including the adoption of rules to amend all or any of the following: Parts 207, 208, 212, 214, 296, and 297 of the Board's Economic Regulations (14 CFR Parts 207, 208, 212, 214, 296, 297) and Part 399 of the Board's Policy Statements (14 CFR Part 399);

4. Said investigation be and it hereby is set for hearing before an examiner of the Board at a place and time to be hereafter designated; and

5. This order shall be served on WTC, Shulman, Airlift, Flying Tiger, and Airborne; the Air Freight Forwarders Association; the Departments of Justice and Transportation; all persons who filed comments in this rule making proceeding; and each one of the above is hereby made a party to this proceeding.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72–6461 Filed 4–26–72;8:51 am]

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[6] Nine comments from scheduled combination route carriers, two from all-cargo carriers, 16 from air freight forwarders, one from NACA and six from various other trade associations. In addition, Emery Air Freight filed a petition requesting an evidentiary hearing and an answer thereto was filed by Delta.

[7] The precise issue of open-ended joint loading agreements in forwarders' charters is the subject of Board Order 71–10–38, Oct. 8, 1971. However, that issue might not be reached in view of the superseding agreement (CAB 22727) filed by the parties on Oct. 8, 1971.

[8] As indicated above, in Docket 22057 (Flying Tiger's motion seeking an order to show cause why the Shulman/WTC Air Freight joint-loading agreement should not be disapproved), the Board has only deferred approval of the agreement under section 412 and, in the absence of the Board's disapproval, the parties can continue operations under the agreement.

[9] For example, Flying Tiger alleged that it had recently received a number of requests from forwarders for quotations on daily charter service. NACA asserted that forwarder charters are emerging as a prime means of promoting new traffic; and, indeed, NACA emphasized that such charters constitute an important "potential market" on which the supplemental carriers "rely in their equipment purchases and long-term planning."

[10] Agreement CAB 22722 is between Airlift and WTC and is similar to CAB 21699 between Airlift and Shulman.

[11] Our action herein will not affect Order 71–10–38 which pertains to the question whether Airborne Freight Corporation, an air freight forwarder, should be entitled to become a party to the Shulman/WTC joint-load agreement.

[Docket No. 24112]

BRANIFF AIRWAYS, INC.

Notice of Reassignment of Hearing Regarding U.S. Mainland-Hawaii First-Class Excursion Fares

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding heretofore assigned to be held on April 27, 1972 (37 F.R. 7537, April 12, 1972), is reassigned to be held on May 2, 1972, at 10:00 a.m., local time, in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned.

Additionally, Bureau Counsel's due date for filing Direct Exhibits, Testimony, and Rebuttals is moved forward to April 28, 1972.

Dated at Washington, D.C., April 24, 1972.

[SEAL] RICHARD M. HARTSOCK,
Hearing Examiner.

[FR Doc.72-6460 Filed 4-26-72;8:51 am]

[Docket No. 24428; Order 72-4-112]

EASTERN AIR LINES, INC.

Order of Investigation and Suspension Regarding East-South-West Family Excursion Fares

By tariff [1] marked to become effective May 8, 1972, Eastern Air Lines, Inc. (Eastern) proposes to establish round-trip family excursion fares between points in the Northeast United States and the west coast via San Juan and/or various points in the State of Florida. The proposed fare level is the same as existing transcontinental family excursion fares, i.e., full fare for the head of household and $99 for the spouse and/or accompanying children 2 through 21 years of age. Free stopovers are permitted at intermediate points [2] named in the routing and the return limit is 30 days. The fares are to be applicable from May 8, 1972, through December 15, 1972, except for blackouts from June 30 through July 10 and August 31 through September 11, 1972.

Eastern alleges that the purpose of the filing is to generate long-haul family travel by providing the incentive of multiple destinations. The carrier states that it previously matched the existing transcontinental family excursion fares of other carriers but, due to its route structure, connecting service is required for travel between east coast points and Los Angeles, Portland, and Seattle, and that in order to offset the inconvenience of its connecting service it is necessary to provide an inducement to passengers to travel via Eastern. The option of free stopovers at intermediate points is expected to provide such an inducement.

American Airlines, Inc. (American), National Airlines, Inc. (National), Northwest Airlines, Inc. (Northwest), Pan American World Airways, Inc. (Pan American), Trans World Airlines, Inc. (Trans World), and United Air Lines, Inc. (United) have filed complaints against the proposal, requesting its suspension and investigation. The complainants allege, inter alia, that considering the mileage circuity involved, the fares produce extremely low yields which cannot be justified economically; that Eastern is a minimal participant at best in the transcontinental market and while "the risk of revenue dilution is nonexistent" for Eastern it most clearly would not be so for the direct transcontinental carriers; and that in permitting the existing transcontinental family excursion fares the Board relied heavily on the fact that the maximum stay limit was four days, whereas an earlier proposal 4 days whereas an earlier similar proposal which would have permitted stays up to 14 days was suspended.

Eastern answers that a family which has planned to visit the opposite coast will not normally travel via Florida or San Juan, but a family which has not contemplated air travel for its vacation might be encouraged to do so by the availability of multiple destinations. It further asserts that it expects to generate 250 passengers over the duration of the tariff and that the likelihood that these passengers would create any pressure on capacity or displace higher fare passengers is de minimis.

Upon consideration of the proposal, the complaints and answer thereto, and all other relevant matters, the Board finds that the proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated. The Board further concludes that the proposal should be suspended pending investigation.

The special transcontinental family excursion fare which Eastern seeks to match is a very low fare presently effective only until May 31, 1972, and originally intended to attract family members of business travelers making trips of no more than 4 days' duration. On the other hand, the proposed fares are designed to attract vacation traffic and, the circuitous fares result in extremely low fares per mile—so low as to raise a substantial question whether the fares are reasonably related to the cost of providing the service. Moreover, the fares would be applicable during the summer when transcontinental traffic volume is high.

Eastern contends that the northeast-Florida/San Juan and Florida-west coast markets are markets in which it has a substantial participation, and that any diversion in these two principal markets would be at its own expense. However, the proposal does not apply to passengers originating at points on the east coast and traveling to Florida and return, or to traffic between Florida and the west coast. Rather, it involves passengers traveling from points in the Northeast United States, to west coast points or vice-versa, with a routing through Florida or San Juan. Since Eastern's participation in the transcontinental markets involved is very small, any diversion of traffic which may occur, and we believe it might be significant notwithstanding the circuitous routing involved, will be almost entirely at the expense of the carriers providing direct transcontinental service.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions of Eastern Air Lines, Inc.'s CAB No. 379, and rules, regulations, or practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, Eastern Air Lines, Inc.'s CAB No. 379 is suspended and its use deferred to and including August 5, 1972, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaints in Dockets 24375, 24378, 24383, 24379, 24380, and 24381 are hereby dismissed;

4. The proceeding ordered herein be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

5. Copies of this order be filed in the aforesaid tariff and be served upon American Airlines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Trans World Airlines, Inc., and United Air Lines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,[3]
Secretary.

[FR Doc.72-6462 Filed 4-26-72;8:51 am]

[Docket No. 24430; Order 72-4-117]

EASTERN AIR LINES, INC.

Order of Investigation and Suspension Regarding Proportional Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of April 1972.

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[1] Eastern Air Lines, Inc. Tariff CAB No. 379.

[2] Stopovers in the State of Florida are limited to Miami or Fort Lauderdale and one of the following points: Daytona Beach, Kennedy Space Flight Center, Melbourne, Orlando, and Tampa.

[3] Dissenting statement of Minetti and Murphy, Members, filed as part of the original document.

By tariff revisions [1] marked to become effective April 29, 1972, Eastern Air Lines, Inc. (Eastern), proposes to establish directional round-trip proportional excursion fares of $9.26 ($10 tax inclusive) from Boston to New York, and New York to Washington, to be used in conjunction with round-trip transportation from other points on its domestic system [2] to Boston or New York. The fares apply for travel only on Saturdays, with the return portion to be completed by midnight the same day. Purchase of the tickets must be made prior to leaving the point of origin and the trip must commence within 7 days of a passenger's arrival at Boston or New York. Children's fares are 50 percent of the proposed proportional fares, or $4.63. The fares are marked to expire with August 31, 1972.

In justification of its proposal, Eastern alleges that the primary objective of the fare is to provide additional traffic on an off-peak day in the Air Shuttle markets. Eastern alleges that in 1971 the Saturday load factor in Air Shuttle markets was only 47 percent, as compared with an average of 58.7 percent on all other days, and contends that Saturday has the lowest traffic level of any day.

In addition, Eastern alleges that, since the fare is not applicable to cities in close proximity to New York and Boston, the majority of the users will come from distant points, and that the trip is, in essence, a "1-day bonus feature" analogous to the sightseeing trips offered by various airlines. The carrier states that it has no data which would indicate the number of passengers who take a side trip to either Washington or New York; however, Eastern alleges that it can be assumed that the number is miniscule.

Northeast Airlines, Inc. (Northeast), and Northwest Airlines, Inc. (Northwest), have filed complaints requesting that the proposed fares be suspended and investigated.[3] The complainants allege that the proposed fares do not cover the cost of providing the service; that Eastern has not estimated how much new traffic the fares will generate; and that rather than generate new traffic the fares will simply result in diversion. For example, Northeast points out that a Miami-Boston passenger wishing to stop in New York would normally pay a regular fare of $184.26, or $142.59 for a weekend 7–21-day excursion. However, under Eastern's proposal, this same passenger would be encouraged to travel an extra 374 miles with a total fare of $179.64 or $129.63, respectively. Northwest also alleges that the fares apply in two of the most congested markets in the east and during the peak summer season; that Eastern itself was and remains a strong proponent of hub surcharges in congested markets; and that the fares, which reflect a discount of 79 percent and a yield of 2.3/2.4 cents per mile, are uneconomic.

Eastern has answered the complaints alleging that no one but a tourist would be likely to value highly a Saturday in New York or Washington; that full fare passengers would not be diverted since business travelers would find a Saturday visit to either point of little value; and that although summer may be a peak travel period in general, the Saturday shuttle markets have low-load factors year round. Eastern also alleges that the complainants' contentions with respect to costs fail to consider the nature of the shuttle operation; and that the only added costs are passenger liability expense and credit card discounts, totaling about 40 cents per passenger.

Upon consideration of the tariff proposal, the complaints and answers thereto, and all other relevant matters, the Board finds that the proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the proposal should be suspended pending investigation.

Due to the extremely low level of the fares, the question of generation versus diversion is particularly critical. There is very little margin for diversion, and in the New York-Washington market, for example, one diverted full fare passenger would offset the revenue generated by more than five proportional fare passengers without regard to the cost of carrying such passengers. In view of this, and since the carrier was unable to provide a basis for making a reasonable generation/diversion estimate, we find that a sufficient question of reasonableness is raised to warrant investigation of the proposal, and suspension pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions described in Appendix A attached hereto,[4] and rules, regulations, and practices affecting such fares and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto [4] are suspended and their use deferred to and including July 27, 1972, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaints in Dockets 24345 and 24346 are hereby dismissed;

4. The proceeding ordered herein be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated;

5. Copies of this order be filed in the aforesaid tariffs and be served upon Eastern Air Lines, Inc., Delta Air Lines, Inc., Northeast Airlines, Inc., and Northwest Airlines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,[4]
Secretary.

[FR Doc.72-6463 Filed 4-26-72;8:51 am]

[1] Revision to Airline Tariff Publishers, Inc., Agent, Tariff CAB Nos. 136 and 142.

[2] The proportional fares do not apply in conjunction with round-trip transportation to Boston or New York from Baltimore/Hartford/New Haven/New York/Philadelphia/Providence/Washington/Wilmington.

[3] Delta Air Lines, Inc. (Delta), has filed an answer in support of both complaints.

[4] Appendix A and dissenting statement of Minetti and Murphy, members, filed as part of the original documents.

[Dockets Nos. 21866-6A, 21866-9, Order 72-4-111]

FRONTIER AIRLINES, INC.

Order Dismissing Complaints Regarding Standard-Class Fares and Service

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of April 1972.

By tariff revisions [1] marked to become effective April 30, 1972, Frontier Airlines, Inc. (Frontier) proposes to implement a single class of service (standard class) throughout its system and to establish related standard fares in place of the four basic classes of service and fares it now provides—jet first class, propeller first class, jet deluxe coach, and jet coach. The proposal involves both aircraft configuration (jet aircraft only) and fare changes.

Frontier's proposal to implement single-class service generally entails seating configuration modification of its B–737 aircraft only, as its propeller aircraft (CV–580) are presently operated in a single-class configuration which will remain unchanged.[2] Currently, the carrier's B–737 aircraft provide accommodations for 24 passengers (five-abreast seating) at a 36-inch pitch in deluxe coach, and 73 passengers (six abreast) at a 34-inch pitch in coach. Under the proposal, Frontier plans to install "2 plus 2" or "twin seating" (six abreast with a fold-down center console) at a 38/39-inch minimum/maximum pitch, with the same total density as now exists—97 seats.

Most fares are not being changed, since a substantial majority of Frontier's markets are served exclusively by propeller equipment for which fares will not be changed, but merely redesignated.[3] The

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff CAB Nos. 65, 136, and 142.

[2] Fifty-passenger capacity, four-abreast seating, 36-inch minimum/maximum pitch.

[3] Frontier is also adding numerous military standby and reservation fares, and making adjustments to other discount fares in in-

fare changes will occur generally in markets where Frontier operates both propeller and jet service, or jet service only. In these markets the various present fares compare to the trunkline jet coach formula fares as follows:

stances where a change results in the new standard fare.

	Percent
Jet first class	130
Propeller first class	120
Jet deluxe coach	115
Jet coach	100

Under the proposal the standard fares would be 118 percent of coach for both jet and propeller service, except in competitive markets where the present jet coach level generally would be maintained. The increases range from $0.92 to $16.67.

In justification of its proposal, Frontier alleges that its new "S" service is a distinctly new class of service materially superior to its existing service; and that in addition to the improved meal service and other amenities, the new standard-class configuration in jet equipment will be equal to or better than seating accommodations afforded passengers by other local service carriers (in that the new "2 plus 2" configuration provides an arm-side table when passenger loads permit, substantially improved elbow and hip room, and more liberal seat pitch).

The carrier contends that the seating configuration fully conforms to the standards tentatively prescribed by the Board in Phase 6A of the Domestic Passenger-Fare Investigation; that the service will be operated at a seating density which falls between first-class and coach service, as contemplated by the Board's decision, and will therefore warrant the "S" fare premium over coach fares; and that the Board has consistently allowed the local service carriers to implement standard-class service at fares exceeding coach-fare levels.

Frontier alleges that in a number of low-density markets where it alone provides jet service, the "S" fares will be established at levels up to 118 percent of the jet coach formula to reflect the higher quality of its new standard-class service; that in a majority of these markets, however, the "S" fare level will average only 110 percent of the existing coach-fare level; and that most of the local service carriers have inaugurated their new "S" fares with no change in the quality of existing service. In the great majority of its markets, Frontier alleges that its new "S" fares will be identical to the current coach or propeller fare, and that in competitive markets where it now offers both coach- and deluxe-coach-class service the "S" fares will be at the coach level, thus affording lower fares for passengers heretofore using deluxe-coach service.

Frontier estimates that it will cost $291,000 to install "2 plus 2" seating in all of its jet aircraft, and that the company expects to realize $831,000 in additional annual revenue in those markets where the "S" fare will be priced to reflect the new standard-class service, an amount constituting less than 1 percent of its total 1971 revenue. Moreover, Frontier anticipates that standard-class service and fares will result in increased efficiencies and economies; and that the new service will greatly simplify passenger understanding of the fare structure and will improve fare quotation efficiency from a reservations and ticketing standpoint.

Braniff Airways, Inc. (Braniff), the Bismarck and Minot Chambers of Commerce, the mayor of Bismarck, and the North Dakota State Aeronautics Commission have filed complaints against the proposal requesting that it be suspended and investigated.

Braniff's complaint is directed essentially at that facet of the proposal which would apply coach-fare levels to the newly configured B–737 aircraft. Braniff alleges that this is at odds with the Board's tentative determination in the Domestic Passenger-Fare Investigation; that the proposal would reduce the revenue potential of Frontier's aircraft; that Frontier's jet services with the expanded pitch are overwhelmingly in competitive markets and severely limited in noncompetitive markets; that the new service priced at the coach level would divert traffic from Braniff; and that the proposal would expand the seating war. The complainant asserts that Frontier could adopt a single-class configuration with the same desirable economies without introducing the pitch proposed.

Frontier has answered Braniff's complaint contending that its proposed pitch falls within seating parameters tentatively set by the Board. Frontier also alleges that more than half of the markets in which it provides jet service are noncompetitive, and that in nearly all of the competitive markets the trunkline is the dominant carrier; that Braniff has made no showing that the fares are unreasonable; and that the new service will enable it to remain an effective competitor in markets served in common with trunkline carriers.

The complaints by the various civic parties and the North Dakota State Aeronautics Commission are limited to unsupported requests for suspension and/or investigation except for a statement in the latter's complaint that the proposal constitutes 14.6-percent and 16.6-percent increases in the Bismarck-Denver and Minot-Denver markets, respectively. They indicate formal detailed complaints will follow, but only the Aeronautics Commission has so filed.

Frontier's proposal, both the fares and the B–737 seating configuration comes within the scope of the Domestic Passenger-Fare Investigation, Docket 21866, and its lawfulness will be determined in that proceeding. The question then is whether to permit the proposal to become effective, or to suspend it pending investigation. Upon consideration of all relevant matters, the Board finds that the complaints do not set forth sufficient facts to warrant suspension, and the requests therefor will be denied and the complaints dismissed.

The proposed standard service is a new class of service and the proposed fares are consistent, in terms of seating configuration, with fares for comparable service now provided by other local service carriers.[4] The 118-percent relationship to coach fares is likewise consistent with the prevailing level of fares for this class of service, as is the proposal to hold fares in competitive markets to the coach-fare level.[5] Finally, we are not persuaded that Braniff will be placed at an undue disadvantage in the limited number of markets in which the two carriers compete, particularly in view of the substantially greater number of jet frequencies which it offers.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof:

It is ordered, That:

1. The complaints of Braniff Airways, Inc., in Docket 24351, and the mayor, city of Bismarck, N. Dak., in Docket 24388 are dismissed;[6] and

2. A copy of this order be served upon Braniff Airways, Inc., Frontier Airlines, Inc., and the mayor, city of Bismarck, N. Dak.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-6464 Filed 4-26-72;8:52 am]

[Docket No. 24180; Order 72-4-118]

HAWAIIAN AIRLINES, INC.

Order Setting Application for Hearing Regarding Authority To Temporarily Suspend Service at Hana, Maui, Hawaii

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of April 1972.

On January 26, 1972, Hawaiian Airlines, Inc. (Hawaiian), filed an application for authority to temporarily suspend service at Hana, Maui, Hawaii, on the carrier's route 33.

In support of its application, Hawaiian alleges that, inter alia since 1957 Hawaiian's enplanements at Hana have average 12.2 per day; for the year 1971, the carrier's losses were $88,000; Hawaiian's need to standardize its fleet with

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[4] The proposed fares are also consistent with the Price Commission Regulations regarding the pricing of new service.

[5] We recognize that the standard-class fares will be substantially higher than the coach fares in certain Bismarck markets. However, this stems from the fact that the coach fares in these markets have been relatively low. Since the fares resulting from Frontier's proposal will be in line with those applying throughout its system, suspension does not appear warranted on this ground.

[6] While the complaints from the various civil parties and the North Dakota State Aeronautics Commission were not timely filed we nevertheless have considered them in reaching our conclusions herein.

all-jet equipment would preclude Hana's service since that point cannot accommodate jet aircraft; Hana is adequately served by Royal Hawaiian Air Service, an air taxi operator; and acceptable ground air taxi operator; and acceptable ground transportation is available to an alternative source of certificated scheduled air service, Kahului, some 55 miles away.

An answer was filed by the Air Line Pilots Association, International (ALPA), opposing Hawaiian's application. ALPA argues that Hawaiian, if permitted to suspend service, would then retire its Convair equipment leaving it unable to reinstitute service. ALPA urges that at the very least, a hearing should be held to determine the service needs at Hana.

In a reply filed by Hawaiian, the carrier states that if traffic levels at Hana increase and if airport facilities can be improved to support jet aircraft, Hawaiian will reinstitute service.[1]

Upon consideration of the pleadings and all the relevant facts, we have decided to deny Hawaiian's request for temporary suspension of service and set for hearing the matter of Hana's future air service needs. We note that although the carrier has requested a temporary suspension of service, a serious question is presented as to whether, if the application were granted, the carrier would be in a position to reinstitute service at Hana. Moreover, if Hawaiian's application is granted Hana will be without federally certificated air service for the first time since 1950. We believe that under all the circumstances it is appropriate to consider, on an evidentiary record, the conflicting contentions of the parties.

The issues in such proceeding will include the question of whether Hawaiian should be permitted to suspend service at Hana for a fixed term[2] or whether the carrier's authority should be deleted. Although deletion has not been requested by the carrier, we wish to have a full-range of options available to us. It may be that a deletion would be preferable to an indefinite suspension from the standpoint of encouraging new certificated or noncertificated service at Hana.[3]

Accordingly, it is ordered, That:

1. The application of Hawaiian Airlines, Inc., be and it hereby is set for hearing, said hearing to determine whether the public convenience and necessity require that Hawaiian's authorization to serve Hana, Maui, Hawaii, on its route 33, be temporarily suspended or deleted; and

2. This order shall be served on Hawaiian Airlines, Inc.; Air Line Pilots Association, International; Mayor, Wailuku, Maui, Hawaii; Governor of Hawaii; the Postmaster General; and the Airport Manager, Hana, Maui, Hawaii.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-6465 Filed 4-26-72;8:52 am]

[1] Letters from public officials, interested citizens, and business concerns in opposition to the application have been received.

[2] This issue will permit consideration of an unconditional suspension and a suspension contingent upon air taxi replacement service.

[3] Of course, at this time we are merely placing deletion in issue, and the above remarks are not intended to do more than raise a question which is to be resolved on the basis of an evidentiary record.

[Docket No. 23333; Order 72-4-57]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Reduced Fares for Cargo Agents

Issued under delegated authority, April 13, 1972.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement, which was adopted by mail vote, has been assigned the above-designated CAB agreement number.

The agreement relates to IATA requirements that cargo agencies applying for reduced-fare transportation must have been continuously approved without interruption for a period of 12 months prior to the date of application for travel, and is necessitated by delays in the processing of cargo agency approvals by the IATA Cargo Registration and Review Boards. The agreement provides that a cargo agency previously approved under former IATA agency registration provisions that expired on February 29, 1972 (Resolution 810b) shall not be deemed to have had a lapse in its continuity of IATA approval if an application pursuant to new agency registration provisions (Resolutions 811 and 811a) had been lodged with the Agency Administrator prior to January 1, 1972.

While we propose herein to approve the agreement, we note that reference is made only to reduced-fare travel under the provisions of new Resolution 203c, which purports to alter the basis upon which the number of reduced-fare tickets would be allocated to agencies and which has not been approved by the Board.[1] Accordingly, we propose to condition our contemplated approval so as to assure that the provisions of the instant agreement shall apply only with respect to Resolutions 203a and 203d, which were approved by Order 72-4-61 for an extended period of effectiveness through August 31, 1972.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the following resolutions, which are incorporated in Agreement CAB 22986, are adverse to the public interest or in violation of the Act; provided that eventual approval is subject to the condition hereinafter ordered.

IATA Resolutions:
100(Mail 893)203g.
200(Mail 129)203g.
300(Mail 372)203g.
JT12(Mail 784)203g.
JT23(Mail 294)203g.
JT31(Mail 211)203g.
JT123(Mail 683)203g.

Accordingly, it is ordered, That:

Action on Agreement CAB 22986 be and hereby is deferred with a view toward eventual approval subject to the condition that the provisions of said agreement shall be applicable only to reduced fare transportation permitted pursuant to Resolutions 203a and 203d and shall not apply to travel governed by Resolution 203c.

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

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-6466 Filed 4-26-72;8:52 am]

[1] See Orders 71-10-19 (dated Oct. 5, 1971) and 72-1-52 (dated Jan. 17, 1972) which deferred action on the new Resolution 203c provisions.

[Docket No. 21866-9; Order 72-4-121]

NATIONAL AIRLINES, INC.

Order Dismissing Complaint Regarding Reduced Florida Stopover Charges

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of April 1972.

By tariff revisions[1] marked to become effective May 5, 1972, National Airlines, Inc. (National) proposes to reduce to $0.93 the existing $10.19 charge for stopovers at Miami applicable in connection with transcontinental transportation in certain markets. Currently a $0.93 stopover charge applies at four other Florida cities, and National states that its purpose is to conform the charge at all points in the State. The tariff does not bear an expiration date.

Northeast Airlines, Inc. (Northeast) has complained against the proposed change requesting suspension and investigation. It alleges that the current stopover charge provides sufficient incentive to stimulate travel via Miami; that a $0.93 charge would not cover any of the cost involved; that National has failed to justify its proposal; and that extension of the charge to the additional market will result in unjustifiable revenue dilution.

[1] Revisions to Airline Tariff Publishers, Inc., agent, Tariff CAB No. 136.

In answer to the complaint, National contends that Northeast has not demonstrated that a 4.2-percent reduction in the normal coach fare (including stopover) will result in an unreasonably low fare, particularly in view of the narrow purpose of that fare; that the Miami-Los Angeles market is not large and the service requires all the supporting traffic that can be reasonably directed to or through it; that this lower charge is needed for consistency with other Florida points; and that there is no merit in Northeast's contention that the removal of all but a token stopover charge means that the cost of the stopover will not be met.

The question of the proper fare for trips involving stopovers is within the scope of the Domestic Passenger-Fare Investigation, Docket 21866-9. The question here then is whether to permit the proposal to become effective, or to suspend it pending investigation. Upon consideration of all relevant matters, the Board finds that the complaint does not set forth sufficient facts to warrant suspension, and the request therefor will be denied and the complaint dismissed.

National operates very little through-plane service between its northeast points and the west coast via Miami. Since a change of plane is therefore generally required, little additional cost will be incurred by permitting a stopover at Miami. A charge of $0.93 presently applies for stopovers in the Disney World area in connection with travel from numerous northeast/midwest points to Florida; and also for stopovers at Las Vegas on transcontinental trips. Stopovers at these points would generally involve some additional cost to the carrier since they involve interruption of what would otherwise be through travel on a through flight. In this light, there would seem no reason to require a higher charge at Miami where the transportation usually involves a change of plane in any event.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof:

It is ordered, That:

1. The complaint of Northeast Airlines, Inc., in Docket 24370 is hereby dismissed; and

2. A copy of this order be served upon National Airlines, Inc., and Northeast Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-6468 Filed 4-26-72;8:52 am]

ENVIRONMENTAL PROTECTION AGENCY

PPG INDUSTRIES, INC.

Notice of Withdrawal of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), the following notice is issued:

In accordance with § 180.8 *Withdrawal of petitions without prejudice* of the pesticide procedural regulations (40 CFR 180.8), PPG Industries, Inc., 1 Gateway Center, Pittsburgh, Pa. 15222, has withdrawn its petition (PP 1F1175), notice of which was published in the FEDERAL REGISTER of August 6, 1971 (36 F.R. 14513), proposing establishment of a tolerance for residues of the plant regulator CIPC (isopropyl *N*-(3-chlorophenyl carbamate) in or on the raw agricultural commodity sweetpotatoes at 50 parts per million from post-harvest application.

Dated: April 21, 1972.

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

[FR Doc.72-6420 Filed 4-26-72;8:48 am]

W. R. GRACE & CO.

Notice of Withdrawal of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), W. R. Grace & Co., Washington Research Center, Clarksville, Md. 21029, has withdrawn its petition (FAP 2H5005), notice of which was published in the FEDERAL REGISTER of January 27, 1972 (37 F.R. 1261), proposing establishment of a food additive tolerance (21 CFR Part 121) of 20,000 parts per million for residues of ammonium isobutyrate in or on processed foods intended for feeding animals.

Dated: April 21, 1972.

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

[FR Doc.72-6421 Filed 4-26-72;8:48 am]

FEDERAL COMMUNICATIONS COMMISSION

STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

The following application was tendered March 8, 1972, seeking the identical facilities of former station KVIN, Vinita, Okla. The application for renewal of the license of KVIN was denied June 16, 1971, Vinita Broadcasting Co., Inc., et al., 30 FCC 2d 458, 22 RR 2d 195; reconsideration denied, 32 FCC 2d 501, 23 RR 2d 262, an appeal from the Commission action has been dismissed, and that proceeding is now terminated. Accordingly, we have waived the provisions of note 2 to § 1.571 of the Commission's rules and have accepted this application for filing. Similarly, we will accept any other application for consolidation which proposes essentially the same facilities.

New, Vinita, Okla., Green Country Broadcasting Co., Inc., Req: 1470 kc, 500 w, Day.

Pursuant to the provisions of §§ 1.227(b)(1), 1.591(b) and note 2 to § 1.571 of the Commission's rules, an application, in order to be considered with this application must be in direct conflict and tendered no later than May 30, 1972.

The attention of any party in interest desiring to file pleadings concerning this application, pursuant to section 309(d)(1) of the Communication Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for the provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: April 20, 1972.

Released: April 20, 1972.

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

[FR Doc.72-6428 Filed 4-26-72;8:49 am]

[Docket Nos. 18456, 18457; FCC 72R-115]

HARVIT BROADCASTING CORP. AND THREE STATES BROADCASTING CO., INC.

Memorandum Opinion and Order Modifying Issue

In regard applications of Harvit Broadcasting Corp., Williamson, W. Va., Docket No. 18456, File No. BPH-6075; Three States Broadcasting Co., Inc., Matewan, W. Va., Docket No. 18457, File No. BPH-6157, for construction permits.

1. This proceeding involves the mutually exclusive applications of Harvit Broadcasting Corp. (Harvit) and Three States Broadcasting Co., Inc. (Three States) for construction permits for new FM broadcast stations at Williamson and Matewan, W. Va., respectively. By Commission Order, FCC 69-180, 16 FCC 2d 806, released March 7, 1969, these applications were designated for consolidated hearing on a Surburban issue against Three States, and areas and populations, section 307(b), and contingent comparative issues. Subsequently, in response to a request by Harvit, the Review Board, by memorandum opinion and order, released September 29, 1971 (31 FCC 2d

876, 22 RR 2d 1062), added several issues against Three States relating to its operation of standard broadcast Station WHJC at Matewan. Among the issues specified was one inquiring into whether Three States had violated §§ 17.25, 17.47, 17.48, and/or 17.49 of the Commission's rules with respect to tower lighting and attendant requirements. Presently before the Board are: (1) A petition to enlarge inquiry and change issue, filed October 27, 1971, by Harvit, seeking the addition of a § 1.65 issue against Three States and a change of the tower lighting issue;[1] and (2) a petition to enlarge issues, filed December 2, 1971, seeking the addition of a § 1.615 issue against Three States.[2]

RULES 1.65 AND 1.615 ISSUES

2. Harvit's October petition requests a § 1.65 issue against Three States based on allegations that that applicant failed to notify the Commission of a change in its officers. Arising out of factual responses made in Three States' opposition to Harvit's petition, Harvit filed its December petition requesting a § 1.615 issue against Three States. Since both requests are predicated on the same factual allegations, they will be considered together. Harvit bases its request for a § 1.65[3] issue on a newspaper advertisement in the Williamson Daily News, dated September 23, 1971, which indicates that Clifton Branham is now president of Three States.[4] According to Harvit, Three States' application represents that Florence Morningstar is its president. Harvit states that within at least 30 days after the appearance of the newspaper advertisement, Three States had still failed to notify the Commission of this change in the presidency, or to amend its application, thereby violating § 1.65 of the Commission's rules. Additionally, Harvit, in its December petition, submits that Three States, in its opposition to Harvit's October petition (see paragraph 3, infra), indicated that it failed to file a revised ownership report until November 17, 1971, almost 4 months after the change in officers occurred, thereby violating § 1.615 of the Commission's rules.[5]

The Broadcast Bureau supports the request for a § 1.65 issue unless a satisfactory explanation is given by Three States. The Bureau also believes that a comparative issue based on the § 1.615 violation is warranted.

* * * * *

3. In opposition, Three States concedes that Clifton Branham was, in fact, its president on September 23, 1971, when the newspaper advertisement appeared, and still is, and that Branham was elected to the presidency on July 22, 1971, replacing Florence Morningstar. Three States alleges, however, that Branham is neither a director nor a stockholder in Three States; that Florence Morningstar is still treasurer, a stockholder, and a director of the corporation; that, simultaneously with the filing of its opposition, Three States filed a petition for leave to amend reflecting the change in officers;[6] that such action was not previously taken by Three States because of a misunderstanding between Three States and its former communications counsel; that an Ownership Report was filed on November 17, 1971 (and that no benefits accrued to Three States by failing to file earlier); and that Three States seeks no comparative advantage by the inclusion of Branham in its board of officers. Thus, Three States argues that: it claims no comparative advantage; the delay in notifying the Commission was mere inadvertence; and Harvit is attempting to unduly delay and prolong this proceeding to the detriment of the public interest. Accordingly, Three States urges, further inquiry into Harvit's requests for §§ 1.65 and 1.615 issues against Three States is not warranted. In addition, Three States submits that Harvit's request for a § 1.615 issue is late filed because Harvit knew of the facts on October 27, 1971, when it filed its petition to enlarge inquiry and change issue and could have ascertained at that time that a possible § 1.615 violation had occurred.

4. In reply to the opposition to the § 1.65 issue, Harvit argues: that a misunderstanding does not relieve Three States of its obligation to update its application; that since George Warren (Executive Vice-President of Three States) directed the preparation of the original application and submitted six amendments thereto, he should have known it was his obligation to amend the application; and, finally, that Warren's explanation and reasons for the election are doubtful. Therefore, contends Harvit, the whole matter warrants an evidentiary inquiry. In its later reply, Harvit contends that had it been able to do so it would have filed for addition of both the §§ 1.65 and 1.615 issues at the same time but that its counsel had difficulty ascertaining between September 1971, and October 1971, whether Three States had ever filed the required ownership report, and it was not until Three States admitted such violation in its opposition, filed November 19, 1971, that Harvit had actual knowledge.[7]

5. The Board will not add § 1.65 or § 1.615 issues against Three States. It is well established that where there has been a substantial change in information furnished by an applicant, § 1.65 requires such applicant, as promptly as possible, but within 30 days, unless good cause is shown, to amend or request amendment of its application. The rule is intended to apply where a substantial change may be of significance to the Commission's determination of the public interest. Report and Order in Docket 14867, Reporting of Changed Circumstances, 29 FR 15516, 3 RR 2d 1622 (1964). See also Chapman Radio and Television Co., 25 FCC 2d 855, 20 RR 2d 411 (1970). Likewise, Rule 1.615 requires that a supplemental ownership report be filed by each licensee or permittee within 30 days after any change in officers has occurred. Since the change in Three States' presidency did not result in a change in ownership or in proposed owner-management integration, the information, while concededly late in coming to the Commission, is not of such decisional significance as to necessitate a § 1.65 evidentiary inquiry. See Warwick Broadcasting Corp., 16 FCC 2d 1030, 15 RR 2d 973 (1969); Chapman Radio and Television Co., supra. Compare Harrison Radio, Inc., 22 FCC 2d 283, 18 RR 889 (1970). There is no showing that Three States attempted to conceal facts from or mislead the Commission. Significantly, the change in officers has "no effect on the legal, financial or other qualifications of the applicant." Auburn Publishing Co., FCC 72R–82, _____ FCC 2d _____, released March 30, 1972. The change should have been reported to the Commission within 30 days of its occurrence, but the applicant's failure to do so does not automatically warrant an issue. Cf. Media, Inc., 22 FCC 2d 486, 18 RR 2d 970 (1970). As we stated in Auburn, "the Board has frequently refused to specify a § 1.65 issue where, as here, the violation was unintentional and there was no attempt to mislead or conceal, no pattern of violations has been shown, and the violation was of questionable significance." Auburn Publishing Co., supra. See also our prior memorandum opinion and order in this proceeding, 32 FCC 2d 656, 23 RR 2d 328, released December 6, 1971.

6. In reference to the requested §1.615 issue, we believe that, besides being without merit, Harvit's petition is untimely and should have been filed at the same time as its October petition. Additionally, Three States filed the required ownership report on November 17, 1971, which it alleges was as soon as it became aware of its oversight. This was prior to

[1] Also before the Review Board are the following related pleadings: (a) Reply (opposition), filed November 19, 1971, by Three States; (b) comments, filed November 8, 1971, by the Broadcast Bureau; and (c) reply, filed December 2, 1971, by Harvit.

[2] Also before the Review Board are the following related pleadings: (a) Opposition, filed December 7, 1971, by Three States; (b) comments, filed December 14, 1971, by the Broadcast Bureau; and (c) reply, filed December 17, 1971, by Harvit.

[3] Section 1.65 requires disclosure from an applicant when the information furnished in the application is no longer substantially accurate and complete in all significant respects or when changes which may be of decisional significance have occurred.

[4] A copy of the advertisement is attached to Harvit's October petition.

[5] Section 1.615, in pertinent part, provides: (c) A supplemental ownership report (FCC Form 323) shall be filed by each licensee or permittee within 30 days after any change occurs in the information required by the ownership report from that previously reported. Such report shall include without limitation:

(2) Any change in officers and directors;

[6] The petition was granted and the amendment tendered therewith accepted by the Hearing Examiner by Order, FCC 71M–1941, released December 20, 1971.

[7] Harvit alleges that its counsel tried and was unable to obtain WHJC's ownership file at the Commission before filing its Oct. 27, 1971, pleading.

Harvit's late-filed December petition.[8] In view of all the foregoing circumstances, neither a § 1.65 nor a § 1.615 issue against Three States is warranted.

MODIFICATION OF TOWER LIGHTING ISSUE

7. Finally, Harvit requests that the tower lighting issue specified against Three States (see paragraph 1, supra) be changed to include §§ 17.21 and 17.56 of the Commission's rules, as well as the rules already mentioned in the issue. Harvit concedes that reference to these rules was omitted in its original petition to enlarge, but points out that each section was mentioned in Harvit's reply pleading. The Broadcast Bureau interposes no objection to the requested modification. Three States, in opposition, argues that Harvit's petition is not timely filed because more than 15 days have elapsed since the order was released; that Harvit has not explained this tardiness; and that Harvit states no reason to justify the inclusion of these two rules at this time. In reply, Harvit alleges that its request is timely because the change was requested within 30 days of the release of the Board's memorandum opinion and order. Harvit explains that the omission of the two rules in the original petition was due to the vast multiplicity of the rules involved.

8. The Review Board agrees with Harvit and the Broadcast Bureau that the tower lighting issue should be modified to encompass an inquiry into possible violation of §§ 17.21 and 17.56. Concededly, Harvit's request is untimely filed under § 1.229(b) of the Commission's rules. However, the hearing is still in progress and will not be unduly disrupted by the grant of the request, and §§ 17.21 and 17.56 are closely related to the other rules already in issue. Therefore, no prejudice would be caused to Three States by granting the requested modification. Under the circumstances, the Review Board will modify the tower lighting issue, as requested. Cf. Day-Nite Radio Message Service Corp., 23 FCC 2d 665 (1970).

9. *Accordingly, it is ordered,* That the petition to enlarge inquiry and change issue, filed October 27, 1971, by Harvit Broadcasting Corp., is granted to the extent indicated below and is denied in all other respects; that the petition to enlarge issues, filed December 2, 1971, by Harvit Broadcasting Corp. is denied; and

10. *It is further ordered,* That issue (c) added by Review Board Memorandum Opinion and Order (31 FCC 2d 876, 22 RR 2d 1062), released September 29, 1971, is modified to read as follows:

To determine whether Three States Broadcasting Co., Inc., has violated §§ 17.21, 17.25, 17.47, 17.48, 17.49, and/or 17.56 of the Commission's rules with respect to tower lighting and attendant requirements.

Adopted: April 19, 1972.

Released: April 21, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[9]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-6429 Filed 4-26-72;8:49 am]

[8] The Board finds unpersuasive Harvit's argument concerning its attorney's alleged difficulty in obtaining WHJC's file between September 30th and October 27th. There is no showing that Harvit's counsel requested the Commission to locate or to be of assistance in procuring the ownership report. Counsel simply explains that the file was "temporarily misplaced." Thus, Harvit's December petition, filed some 2 months after acquiring knowledge of the change in officers, is untimely and good cause has not been shown for the late filing. For that reason alone, it could be denied. Cf. Phil D. Jackson, ——— FCC 2d ———, 23 RR 2d 1030 (1972).

[9] Board Member Berkemeyer absent.

FEDERAL POWER COMMISSION

[Docket No. CI72-661]

KERR-McGEE CORP.

Notice of Application

APRIL 24, 1972.

Take notice that on April 17, 1972, Kerr-McGee Corp. (applicant), Kerr-McGee Building, Oklahoma City, Okla. 73102, filed in Docket No. CI72-661 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 Carthage (Hill S. W.) Field, Panola County, Tex., 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 27, 1972, within the contemplation of § 157.29 of the regulations under the Natural Gas Act. The contract for the subject sale provides for the rate of 24 cents per Mcf at 14.65 p.s.i.a. and is subject to 1.056 cents per Mcf upward B.t.u. adjustment. Applicant states that it is willing to accept a certificate conditioned to the initial rate of 23.5 cents per Mcf providing it is issued on or before the end of the 60-day emergency period.

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.72-6459 Filed 4-26-72;8:51 am]

FEDERAL RESERVE SYSTEM

ATLANTIC BANCORPORATION

Acquisition of Bank

Atlantic Bancorporation, Jacksonville, Fla., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire not less than 70 percent of the voting shares of University Atlantic Bank, Jacksonville, Fla., a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 15, 1972.

Board of Governors of the Federal Reserve System, April 20, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-6409 Filed 4-26-72;8:48 am]

EXCHANGE BANCORPORATION, INC.

Acquisition of Bank

Exchange Bancorporation, Inc., Tampa, Fla., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Citizens Bank of Clermont, Clermont, Fla. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at

the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 15, 1972.

Board of Governors of the Federal Reserve System, April 20, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-6410 Filed 4-26-72;8:48 am]

PAN AMERICAN BANCSHARES, INC.

Acquisition of Bank

Pan American Bancshares, Inc., Miami, Fla., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 50 percent or more of the voting shares of Capital National Bank of Tampa, Tampa, Fla. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 15, 1972.

Board of Governors of the Federal Reserve System, April 20, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-6411 Filed 4-26-72;8:48 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 72-5]

SPACE SHUTTLE PROGRAM

Public Notice Regarding Availability of Draft Environmental Impact Statement

Notice is hereby given of the public availability of the draft Environmental Impact Statement for the Space Shuttle Program of the National Aeronautics and Space Administration.

The Space Shuttle will be a reusable space vehicle which will carry out various space missions in earth orbit. The objectives of the program are to reduce substantially the cost of space operations and to provide future capability designed to support a wide range of scientific, defense, and commercial uses of benefit to the Nation. Test flights are planned to begin in 1976, manned orbital test flights in 1978, and the complete space shuttle vehicle is to be operational before 1980. The initial launch and landing site will be at the Kennedy Space Center, Fla. Toward the end of the decade, it is planned that a second operational site will be phased in by the Department of Defense at Vandenberg Air Force Base, Calif.

Comments on the draft environmental statement and on matters set forth therein are solicited from and may be submitted by State and local agencies and members of the public. Such comments should be submitted to the Associate Administrator, National Aeronautics and Space Administration, Washington, D.C. 20546. All comments must be received within 60 calendar days of the publication of this notice in the FEDERAL REGISTER in order to be considered in the preparation of the final environmental statement.

Copies of the draft statement may be purchased (price $1 each) or examined at any of the following locations:

(a) National Aeronautics and Space Administration, Public Documents Room (Room 126), Independence Avenue S.W., Washington, D.C. 20546.

(b) Ames Research Center, NASA (Building 201, Room 17), Moffett Field, Calif. 94035.

(c) Flight Research Center, NASA (Building 4800, Room 1017), Post Office Box 273, Edwards, CA 93523.

(d) Goddard Space Flight Center, NASA (Building 8, Room 150), Greenbelt, Md. 20771.

(e) John F. Kennedy Space Center, NASA (Headquarters Building, Room 1207), Kennedy Space Center, Fla. 32899.

(f) Langley Research Center, NASA (Building 1219, Room 304), Hampton, Va. 23365.

(g) Lewis Research Center, NASA (Administration Building, Room 120), 21000 Brookpark Road, Cleveland, OH 44135.

(h) Manned Spacecraft Center, NASA (Building 1, Room 136), Houston, Tex. 77058.

(i) George C. Marshall Space Flight Center, NASA (Building 4200, Room G-11), Huntsville, Ala. 35812.

(j) Mississippi Test Facility, NASA (Building 1100, Room A-213), Bay St. Louis, Miss. 39520.

(k) NASA Pasadena Office (Jet Propulsion Laboratory, Building 180, Room 600), 4800 Oak Grove Drive, Pasadena, CA 91103.

(l) Wallops Station, NASA (Library Building, Room E-105), Wallops Island, Va. 23337.

Done at Washington, D.C., this 19th day of April 1972.

By direction of the Administrator.

DAVID WILLIAMSON, Jr.,
Acting Associate Administrator, National Aeronautics and Space Administration.

[FR Doc.72-6440 Filed 4-26-72;8:50 am]

RAILROAD RETIREMENT BOARD

RAILROAD RETIREMENT TAX ACT

Determination of Quarterly Rate of Excise Tax for Railroad Retirement Supplemental Annuity Program

In accordance with directions in section 3221(c) of the Railroad Retirement Tax Act (26 U.S.C. section 3221(c)) as amended by section 5(a) of Public Law 91-215, the Railroad Retirement Board has determined that the excise tax imposed by such section 3221(c) on every employer, with respect to having individuals in his employ, for each man-hour for which compensation is paid by such employer for services rendered to him during the quarter beginning July 1, 1972, shall be at the rate of 7½ cents.

Dated: April 19, 1972.

By authority of the Board.

[SEAL] RICHARD F. BUTLER,
Secretary of the Board.

[FR Doc.72-6382 Filed 4-26-72;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File 500-1]

APPLIED DEVICES CORP.

Order Suspending Trading

APRIL 21, 1972.

The common stock, $0.50 par value, of Applied Devices Corp. being traded on the American Stock Exchange, and otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such security on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 23, 1972 through May 2, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-6430 Filed 4-26-72;8:49 am]

[File 500-1]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

APRIL 21, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value, of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 25, 1972, through May 4, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-6432 Filed 4-26-72;8:49 am]

[File 500-1]

ECOLOGICAL SCIENCE CORP.

Order Suspending Trading

APRIL 21, 1972.

The common stock, 2-cent par value, of Ecological Science Corp. being traded on the American Stock Exchange, the Philadelphia - Baltimore - Washington Stock Exchange and the Pacific Coast Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Ecological Science Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such security on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 23, 1972, through May 2, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-6433 Filed 4-26-72;8:49 am]

[70-5187]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

APRIL 21, 1972.

Notice is hereby given that Michigan Wisconsin Pipe Line Co., One Woodward Avenue, Detroit, MI 48226 (Michigan Wisconsin), a subsidiary company of American Natural Gas Co., a registered holding company, has filed an application with this Commission, pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Michigan Wisconsin proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 under the Act, $50 million principal amount of First Mortgage Pipe Line Bonds, —— percent Series due June 15, 1992. The interest rate of the bonds (which shall be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be received by Michigan Wisconsin (which shall be not less than 98½ nor more than 101½ percent of the principal amount thereof) are to be determined by the competitive bidding. The bonds are to be issued under Michigan Wisconsin's mortgage and deed of trust dated as of September 1, 1948, between Michigan Wisconsin and First National City Bank, trustee, as heretofore supplemented and as to be further supplemented by a 25th supplemental indenture to be dated as of June 1, 1972, and which includes a prohibition until June 15, 1977, against refunding the issue with or in anticipation of the proceeds from borrowings at a lower cost. The Series 1992 bonds will be subject to a sinking fund commencing June 15, 1977, designed to retire 100 percent of the aggregate principal amount thereof by maturity. The net proceeds from the sale of the bonds will be used to finance in part Michigan Wisconsin's 1972 construction program (estimated to be $140 million).

It is represented that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. A statement as to the fees and expenses to be paid by Michigan Wisconsin in connection with the proposed issuance and sale of the bonds are to be supplied by amendment.

Notice is further given that any interested person may, not later than May 16, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-6434 Filed 4-26-72;8:49 am]

[70-5159]

MIDDLE SOUTH UTILITIES, INC., AND ARKANSAS-MISSOURI POWER CO.

Notice of Filing of Application for Exception From Competitive Bidding

APRIL 21, 1972.

Notice is hereby given that Middle South Utilities, Inc., 280 Park Avenue, New York, NY 10017 (Middle South), a registered holding company, and its subsidiary holding company Arkansas-Missouri Power Co., 405 West Park Street, Blytheville, AR 72315 (Ark-Mo), have filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), for an exception from competitive bidding, designating Rule 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

The Commission, by order dated May 5, 1971 (Holding Company Act Release No. 17116), authorized Middle South to acquire all the outstanding shares of preferred stock and common stock of Ark-Mo. This order was granted subject to certain conditions, including the condition that Ark-Mo dispose of its gas utility properties and its gas utility subsidiary company, Associated Natural Gas Co. (Associated).

Ark-Mo now proposes to commence the divestiture of these gas utility properties and requests exception from the competitive bidding provisions of Rule 50. Ark-Mo's gas properties in northeastern Arkansas and southeastern Missouri are adjacent and complementary to those of Associated and the principal gas supply for the Ark-Mo and Associated gas systems is obtained under a joint contract from Texas Eastern Transmission Corporation (Texas Eastern). Ark-Mo states that available gas supply is presently insufficient to meet anticipated peak demand and that to supplement its peak capacity Ark-Mo has commenced construction of a liquefied natural gas facility near Blytheville, Ark., at a cost of $4 million.

It is represented that due to the relationship of Ark-Mo's and Associated's gas operations, the combined sale of the two gas properties may be a practical necessity. It is further represented that the separate sale of those gas properties not dependent upon the operation of the system as a whole (approximately 25 percent of the Associated properties) may be required, and that exception from the competitive bidding procedures would also afford Ark-Mo the necessary flexibility to dispose of these properties on the best possible terms.

Ark-Mo states that upon receipt of the requested order granting the exception from the competitive bidding provisions of Rule 50, it will send a letter to each person, firm, municipality, or organization which has expressed an interest in acquiring the gas properties, as well as to any other parties who might be expected to have an interest. Each party will be notified that Ark-Mo is exploring the possibility of the sale of its gas properties and its holdings of the common stock of Associated. Ark-Mo states that a similar notice will be published after which it will request, under competitive conditions, definitive proposals from those who expressed serious interest in the properties. Prior to the time set for the submission of proposals, Ark-Mo states it will make the same information available to each of the interested

parties. Ark-Mo further states that upon receipt of all proposals, it will evaluate each and may accept any one, reject all, or designate one or more as evidencing an adequate basis for further negotiations. In the event that Ark-Mo receives acceptable proposals, it will negotiate further with such party or parties as have submitted acceptable proposals and, if there is more than one such party, the negotiations will continue to be held under competitive conditions.

No sale of any of the gas utility company securities or properties will be consummated until a declaration has been filed with the Commission notifying it of the results of the negotiations, and a further order, pursuant to Rule 44 of the Act, has been entered by the Commission permitting the declaration to become effective.

It is stated that Ark-Mo does not expect to incur any fees, commissions, or expenses in connection with the instant application, except for legal fees and miscellaneous expenses, which are estimated not to exceed $3,000. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than May 16, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-6435 Filed 4-26-72;8:49 am]

[File 7-4120—7-4138]

ARIZONA PUBLIC SERVICE CO. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

APRIL 21, 1972.

In the matter of applications of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Arizona Public Service Co	7-4120
Bolt Beranek and Newman, Inc	7-4121
Boston Edison Co	7-4122
Columbus & Southern Ohio Electric Co	7-4123
First Chicago Corp	7-4124
Horizon Corp	7-4125
Louisville Gas & Electric Co	7-4127
International Chemical & Nuclear Corp	7-4126
Montana Power Co	7-4128
Pacific Lighting Corp	7-4129
Pacific Power & Light Co	7-4130
Pacific Telephone & Telegraph Co	7-4131
Peoples Gas Co	7-4133
Portland General Electric Co	7-4134
Pato Consolidated Gold Dredging Ltd	7-4132
Southwestern Public Service Co	7-4135
Union Corporation (The)	7-4136
Vikoa, Inc	7-4137
Wheelabrator-Frye Inc	7-4138

Upon receipt of a request, on or before May 8, 1972, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc. 72-6436 Filed 4-26-72;8:49 am]

[70-4935]

QUINNEHTUK CO. AND NORTHEAST UTILITIES

Notice of Post-Effective Amendment Regarding Proposed Sale of Generating Station

APRIL 21, 1972.

Notice is hereby given that Northeast Utilities, Selden Street, Berlin, Conn. 06037 (Northeast), a registered holding company, and its subsidiary company, The Quinnehtuk Co. (Quinnehtuk), have filed with this Commission a post-effective amendment to the declaration in this proceeding pursuant to section 12(d) of the Public Utility Holding Company Act of 1935 (Act) and Rule 44 promulgated thereunder regarding the following proposed transaction. All interested persons are referred to the amended declaration, which is summarized below, for a complete statement of the proposed transaction.

By order dated December 1, 1970 (Holding Company Act Release No. 16918), the Commission authorized Northeast and Quinnehtuk to sell by public invitation for bids a hydroelectric generating plant (the Station) on the Chicopee River in the City of Chicopee, Mass., with a nameplate rating of 1,440 kilowatts. Presently, Quinnehtuk leases the Station to Western Massachusetts Electric Co. (WMECO), another electric utility subsidiary of Northeast, at an annual rental of $6,000. WMECO also pays all taxes, insurance, operating, maintenance, and repair costs for the Station. The current lease term expires on August 31, 1972; however, it is proposed that WMECO and Quinnehtuk mutually will terminate the lease upon the consummation of the proposed transaction. The depreciated book value of the Station as of June 30, 1970 was $160,116. The projected cost of continuing to operate the Station over the next 30 years is estimated to exceed by more than $260,000 the cost to purchase an equal amount of capacity and energy to that provided by the Station.

The post-effective amendment states that, after having received no bids to purchase the Station, Quinnehtuk initiated negotiations with a number of parties for the sale of the Station, including the city of Chicopee, adjacent landowners, and persons who had requested bidding papers but who had not submitted bids. None of these negotiations were successful. After extensive negotiations, Quinnehtuk has reached an agreement, subject to Commission approval, to sell the Station for $1 to Sanifill Corp., Inc., a Massachusetts corporation.

In support of its application, Quinnehtuk states that the Station cannot be run economically as a generating facility and that adapting the property for other uses would be costly. Among the factors which make sale of the Station difficult are that any deed to the Station would contain numerous restrictions and obligations including (a) the necessity, under certain circumstances, to convey a small

portion of the Station property to Quinnehtuk's grantor, who has a right to draw a contracted amount of water, and (b) protection of a water pipe in the bed of the canal. Under the Massachusetts general laws, dam owners are required to keep dams under reasonable repair, and during the past several years, Quinnehtuk has experienced serious maintenance problems along the power canal. It is stated that by relinquishing the Station, Quinnehtuk will avoid maintenance costs within the next 2 years of between $66,500 and $77,500. The costs of demolishing the generating station and the dam are estimated at $441,000. Additional savings are achieved by avoiding payment of the annual property tax of $19,200 and reducing Federal income taxes by $63,000 as a result of the sale.

It is represented that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than May 15, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney by law, by certificate) should be filed with the request. At any time after said date, the declaration, as now amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-6437 Filed 4-26-72;8:49 am]

[812-3161]

EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES AND SEPARATE ACCOUNT A OF THE EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES

Notice of Application for an Exemption

APRIL 20, 1972.

Notice is hereby given that the Equitable Life Assurance Society of the United States (Equitable), a mutual life insurance company organized under the laws of the State of New York, and Separate Account A of Equitable, 1285 Avenue of the Americas, New York, NY 10019, (Separate Account A) (herein collectively called "Applicants") have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act) for an order of exemption, to the extent noted below, from the provisions of section 22(d) of the Act. Equitable established Separate Account A on August 1, 1968, pursuant to the provisions of section 227 of the New York Insurance Law to afford a medium for equity investments for variable annuity contracts issued by Equitable in connection with particular tax-deferred retirement programs. Separate Account A is an open-end, diversified investment company registered under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Variable annuity contracts are currently being offered by Equitable under which purchase payments are made annually or more frequently until the annuitant's selected retirement date or his prior death. If payments are discontinued under one of these variable annuity contracts, the contract remains in effect as a paid-up deferred annuity and payments may be resumed at any time before the retirement date or before the contract is surrendered for redemption. In addition to these contracts, Equitable currently offers variable annuity contracts funded through Separate Account A which may be purchased by a single payment (single payment contracts). There are two general kinds of single payment variable annuity contracts: (i) Immediate annuity contracts under which annuity payments will normally begin 1 month after the contract is purchased; and (ii) deferred annuity contracts under which the net amount of the purchase payment will be allocated to either a fixed or variable accumulation or a combination, and the cash values of the accumulations may be applied at retirement to provide a fixed or variable annuity or a combination.

The single payment for either an immediate or deferred annuity contract is subject to deductions for sales expenses of 5.5 percent of the payment and for administrative expenses of 2 percent of the first $5,000 of the payment. When the contract is purchased with the proceeds of a life insurance policy or an annuity contract issued by Equitable, the current deduction is 2.665 percent of the payment for sales expense, and 2.06 percent of the first $5,000 of the payment for administrative expenses. No deductions for administrative expenses are made from the amount of payment in excess of $5,000.

On October 9, 1970, the Commission issued an order (Investment Company Act Release No. 6204) pursuant to section 6(c) granting an exemption from section 22(d) of the Act to permit a variation in the rate of deductions as between the single payment variable annuity contracts purchased with the proceeds of life insurance policies or annuity contracts issued by Equitable and the single payment variable contracts otherwise purchased. Based on Equitable's analysis and experience in regard to the issuance of single payment contracts since October 1970 (when the single payment contracts were first offered), Equitable proposes to revise its charges in connection with such contracts in order to increase the charge for administrative expenses to 2.5 percent of the first $7,500 of the payment, and, if the purchase is made with the proceeds of an Equitable life insurance policy or annuity contract, to eliminate the deduction for sales expense.

The application states that the variation in the rate of deduction does not arbitrarily or unfairly discriminate between different categories of investors. With respect to single payment variable annuity contracts purchased with the proceeds of a life insurance policy or an annuity contract issued by Equitable, Applicants state that the latter policies and contracts have previously been subjected to sales charges, and that no additional sales commissions are paid. As a result of the substantial savings which are realized on such purchases, Applicants consider the imposition of a sales load on such purchases of single payment variable annuity contracts to be unwarranted and not in the public interest or consistent with protection of investors.

Section 22(d) provides, in pertinent part, that no registered investment company or principal underwriter shall sell any redeemable security to the public except at a current offering price described in the prospectus. This section has been construed as prohibiting variations in the sales load except on a uniform basis.

Applicants request that an exemption from the provisions of section 22(d) be granted pursuant to section 6(c) of the Act to permit the variation in the rate of deductions as between the single payment variable annuity contracts purchased with the proceeds of life insurance policies or annuity contracts issued by the Equitable and the single payment variable annuity contracts otherwise purchased.

Section 6(c) authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary

or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than May 4, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service by affidavit (or, in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-6383 Filed 4-26-72;8:45 am]

[812-3094]

EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES AND SEPARATE ACCOUNT C OF THE EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES

Notice of Amended Application for Exemption

APRIL 20, 1972.

Notice is hereby given that the Equitable Life Assurance Society of the United States (Equitable), a mutual life insurance company organized under the laws of the State of New York, and Separate Account C of the Equitable Life Assurance Society of the United States, 1285 Avenue of the Americas, New York, NY 10019 (Separate Account C) (herein collectively called "Applicants") have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (the Act) for an order of exemption to the extent noted below from the provisions of sections 22(d) and 27(c)(2) of the Act. Applicants initially applied for an exemption from section 27(c)(2) of the Act. A notice of the Application was published on February 15, 1972 (Investment Company Act Release No. 7002). Subsequent to publication of the notice, Applicant amended its application in order to broaden the scope of the exemption which it was seeking. A notice of the amended application was published on March 8, 1972. On April 12, 1972, Applicant further amended its application to request an exemption to the extent noted below from section 22(d) of the Act. All interested persons are referred to the Application, as amended, on file with the Commission, for a statement of the representations contained therein, which are summarized below.

Equitable established Separate Account C on March 20, 1969, pursuant to the provisions of section 227 of the New York Insurance Law to afford a medium for equity investments for certain variable annuity contracts issued and administered by Equitable. Variable annuity contracts which are purchased by a single payment and provide monthly annuity payments commencing 1 month from the date of purchase (Immediate Contracts) are currently being offered by the Applicants. In addition to these contracts, the Applicants propose to offer deferred variable annuity contracts (Deferred Contracts) under which payments may be made to Equitable annually or more frequently until the Deferred Contract retirement date, the date the Contract is surrendered for its cash value, or the annuitant's death, whichever first occurs. (The Immediate Contracts and the Deferred Contracts are herein collectively referred to as the "Contracts".) The Deferred Contracts, and upon issuance of the Deferred Contracts, the Immediate Contracts, may be deemed to be "periodic payment plans," and payments thereunder (other than for any disability provision) are subject to deductions for sales and administrative expenses, a collection charge (in the case of Deferred Contracts) and any applicable state premium tax. After such deductions the net payment is invested in Separate Account C. At the Deferred Contract retirement date, if the annuitant is then living and another form of benefit has not been elected, the cash value of the Deferred Contract will be applied to provide a variable annuity funded through Separate Account C and payable monthly until the death of the annuitant or the end of 10 years, whichever is later. The assets of Separate Account C will, at most times, be invested primarily in common stocks. Interests in the Account are subject to the usual risks inherent in the ownership of a diversified portfolio of securities, the value of which varies up or down depending upon investment performance. Consequently, the cash value of the Deferred Contracts and the amount of any monthly variable annuity payments under the Contracts, will fluctuate in accordance with the investment performance of Separate Account C.

SECTION 22(d)

Section 22(d) provides, in pertinent part, that no registered investment company or principal underwriter shall sell any redeemable security to the public except at a current offering price described in the prospectus. This section has been construed as prohibiting variations in the sales load except on a uniform basis.

The single payment for an Immediate Contract is currently subject to a deduction of 5.5 percent of the payment for sales expenses, and 2 percent of the first $5,000 of the payment for administrative expenses. However, when an Immediate Contract is purchased with the proceeds of a life insurance policy or annuity contract issued by Equitable, the current deductions are 2.665 percent of the payment for sales expense and 2.06 percent of the first $5,000 of the payment for administrative expenses. No deductions for administrative expenses are made from the amount of payment in excess of $5,000.

On March 24, 1970, the Commission issued an order (Investment Company Act Release No. 6010) pursuant to section 6(c) granting certain exemptions from the Act, including an exemption from section 22(d) thereof in order to permit a reduced sales charge and variation in the deduction for administrative expenses when Immediate Contracts participating under Separate Account C are purchased with the proceeds of an insurance policy or annuity contract issued by Equitable. Based on Equitable's analysis and experience in regard to the issuance of Immediate Contracts since March 1970 (when the Immediate Contracts were first offered), Equitable proposes to revise its charges in connection with such contracts in order to increase the charge for administrative expenses to 2.5 percent of the first $7,500 of the payment, and, if the purchase is made with the proceeds of an Equitable life insurance policy or annuity contract, to eliminate the deduction for sales expense.

The amended application states that the variation in the rate of deduction does not arbitrarily or unfairly discriminate between different categories of investors. With respect to Immediate Contracts purchased with the proceeds of a life insurance policy or an annuity contract issued by Equitable, Applicants state that the latter policies and contracts have previously been subject to sales charges, and that no additional sales commissions are paid. On this basis, Applicants consider the imposition of a sales load on such purchases of Immedate Contracts to be unwarranted and not in the public interest or consistent with the protection of investors.

SECTION 27(c)(2)

Section 27(c)(2) prohibits a registered investment company or a depositor or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments, other than the sales load, are deposited

with a bank as trustee or custodian and held under an indenture or agreement containing, in substance, the provisions required by sections 26(a) (2) and (3) for trust indentures of a unit investment trust.

Applicants represent that the dangers against which sections 27(c)(2) and 26 (a) are directed are not present here in view of the manner in which the Contracts will be administered. In addition, Equitable is subject to extensive supervision and regulation of the New York Insurance Department, which conducts comprehensive periodic examinations of all aspects of Equitable's business, including the handling of policyholder's funds. Under the New York law, Equitable cannot abandon its obligations to contract owners or annuitants until they have been fully discharged. In this connection, although the terms of the Contracts will legally insulate the reserves and other contract liabilities with respect to Separate Account C from liabilities arising out of any other business Equitable may conduct, Equitable's considerable assets will be available to protect against any loss in the event of any misfeasance or mishandling of payments. Furthermore, Equitable maintains a general blanket bond of $1 million under which each of its officers, employees and commission agents is covered. The bond has a $50,000 deductible clause which in effect makes Equitable a self-insurer for the first $50,000 of any loss.

In the foregoing circumstances, it is submitted that compliance with the requirements of section 27(c)(2) is not necessary for the protection of investors and, therefore, the Applicants request that an exemption from section 27(c)(2) be granted.

Applicants have consented to the requested exemption being subject to the following conditions: (1) that the charges to variable annuity contract owners for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdiction being reserved for such purpose; and (2) that the payment of sums and charges out of the assets in Separate Account C shall not be deemed to be exempted from regulation by the Commission by reason of this order: *Provided*, That the Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payment of sums and charges out of the assets in Separate Account C other than charges for administrative services, and Applicants reserve the right, in any proceeding before the Commission or in any suit or action in any court, to assert that the Commission has no authority to regulate the payment of such other sums and charges.

Section 6(c) authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is hereby given that any interested person may, not later than May 4, 1972, at 5 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service by affidavit (or, in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-6384 Filed 4-26-72;8:45 am]

WORLD ACCEPTANCE CORP. (DEL.) AND INTERNATIONAL PROFESSIONAL COLLEGE, INC.

[Files 500-1]

Order Suspending Trading

APRIL 19, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of World Acceptance Corp. (Del.) and International Professional College, Inc., being traded otherwise than on a national securities exchange, is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period commencing at 10:30 a.m., e.s.t., on April 19, 1972 through April 28, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-6385 Filed 4-26-72;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 899; Class B]

OHIO

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of April 1972, because of the effects of certain disasters damage resulted to homes and business property located in the State of Ohio;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitutes a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Assistant Administrator for Administration and Operations of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Logan County, Ohio, suffered damage or destruction resulting from floods and explosion occurring on April 12, 1972.

Office: Small Business Administration District Office, 50 West Gay Street, Columbus, OH 43215.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to October 31, 1972.

Dated: April 18, 1972.

CLAUDE ALEXANDER,
Assistant Administrator for Administration and Operations.

[FR Doc.72-6386 Filed 4-26-72;8:46 am]

[Declaration of Disaster Loan Area 900; Class B]

TENNESSEE

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of April 1972, because of the effects of certain disasters damage resulted to homes and business property located in the State of Tennessee;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitutes a catastrophe within the purview of the Small Business Act, as amended.

Now, Therefore, as Assistant Administrator for Administration and Operations of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may

be received and considered by the office below indicated from persons or firms whose property situated in Springfield, Tennessee, suffered damage or destruction resulting from a tornado occurring on April 15, 1972.

OFFICE

Small Business Administration District Office, 500 Union Street, Nashville, TN 37219.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to October 31, 1972.

Dated: April 18, 1972.

CLAUDE ALEXANDER,
Assistant Administrator for Administration and Operations.

[FR Doc.72-6387 Filed 4-26-72;8:46 am]

[License 02/02-0271]

HEMISPHERE CAPITAL CORP.

Notice of Surrender of License

Notice is hereby given that Hemisphere Capital Corp., Rockville Centre, N.Y., incorporated under the laws of New York on January 2, 1969, has surrendered its License No. 02/02-0271 issued by the Small Business Administration (SBA) on May 29, 1969.

Hemisphere Capital Corp. has complied with all conditions set forth by SBA for surrender of its license including repayment of all indebtedness owing to SBA.

Therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the regulations promulgated thereunder, the surrender of the license of Hemisphere Capital Corp. is hereby accepted and it is no longer licensed to operate as a small business investment company.

Dated: April 20, 1972.

A. H. SINGER,
Associate Administrator for Investment.

[FR Doc.72-6389 Filed 4-26-72;8:46 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

APRIL 24, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 133184, Sub-1, Springfield Airport Limousine, Inc., Extension—southwest Missouri, now assigned May 23, 1972, at Kansas City, Mo., hearing will be held in Room 147B, 601 East 12th Street, Kansas City, MO.

MC-F-11308, International Transport, Inc.—Purchase—Dawes Transfer, Inc., now assigned June 5, 1972, MC-F-11358, Cedar Rapids Steel Transportation, Inc.—Purchase (portion)—Lee Brothers, Inc., now assigned May 31, 1972, at Chicago, Ill., hearing will be held in Room 1086A, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC-C-7566, W. T. Mayfield Sons Trucking Co., Inc.—Investigation and revocation of certificates, now assigned May 16, 1972, MC-C-7715, Mangum Trucking Co., Inc., investigation and revocation of certificates, now assigned May 22, 1972, MC 106644 Sub 130, Superior Trucking Co., Inc., now assigned May 23, 1972, MC 135608, Inman Transport, Inc., now assigned May 15, 1972, at Atlanta, Ga., in Room 305, 1252 West Peachtree Street NW., Atlanta, Ga.

MC-F 11043, Colonial Motor Freight Line, Inc.—Control—Griggs Trucking Co., MC 120526 Sub 2, Griggs Trucking Co., now assigned May 25, 1972, at Columbia, S.C., hearing will be held in Room 204, Federal Building, 901 Sumter Street, Columbia, SC.

MC 135886, Action Air Freight, Inc., now assigned May 8, 1972, at New York, N.Y., canceled and reassigned to Holiday Inn, 80 Clinton Street, Hempstead, NY., same day and time.

MC-C-7632, Hanson Transfer, Inc.—Investigation and revocation of certificate, now assigned May 1, 1972, at Bismarck, N. Dak., hearing is postponed indefinitely.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-6471 Filed 4-26-72;8:52 am]

[Notice 52]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73447. By order of April 18, 1972, the Motor Carrier Board approved the transfer to Craig Movers, Inc., Oakton, Va., of the operating rights in Certificate No. MC-63919 issued July 20, 1956, to James Craig, Jr., Earl S. Craig, Frederick C. Craig, and Robert E. Craig, a partnership, doing business as J. H. Craig's Sons, Oakton, Va., authorizing the transportation of agricultural commodities, from Vienna, Va., and points in Virginia within 25 miles thereof, to Washington, D.C. and Baltimore, Md.; empty boxes and baskets for agricultural commodities, from Baltimore, Md., and Washington, D.C., and Baltimore, Md.; points within 25 miles thereof; fertilizer, from Baltimore, Md., to points in Fairfax County, Va.; household goods, between Vienna, Va., and points within 25 miles thereof, on the one hand, and, on the other, points in Maryland and the District of Columbia; and livestock, between points in Virginia and the District of Columbia, on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, North Carolina, and the District of Columbia. Frank D. Swart, Post Office Box 400, Fairfax, VA 22030, attorney for applicants.

No. MC-FC-73511. By order of April 21, 1972, the Motor Carrier Board approved the transfer to Central Ind-Ill Trucking Inc., Terre Haute, Ind., of the operating rights set forth in Certificate No. MC-78684, issued August 11, 1960, to Wallace Kosiba, Gary, Ind., authorizing the transportation of: Fertilizer, roofing, farm supplies and equipment, lumber, livestock, emigrant movables, feed, agricultural commodities, wood, limestone, gravel, coal, and farm machinery, from, to, or between specified points in Illinois, and Indiana. W. L. Jordan, 2609 Fenwood Avenue, Terre Haute, IN 47803, registered practitioner for applicants.

No. MC-FC-73531. By order of April 20, 1972, the Motor Carrier Board approved the transfer to Dennis L. Page, doing business as Page Transfer & Storage Co., Peterstown, W. Va., of the operating rights set forth in Certificate No. MC-33131, issued May 16, 1969, to Dennis L. Page and Thurmond E. Taylor, doing business as Page & Taylor Transfer & Storage Co., Peterstown, W. Va., authorizing the transportation of: Household goods, as defined by the Commission, between points in Monroe County, W. Va., and Wiles County, Va., on the one hand, and, on the other, points in Virginia and West Virginia. Dennis L. Page, Post Office Box 416, Peterstown, W. Va. 24963, representative for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-6469 Filed 4-26-72;8:52 am]

[Notice 52-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-73578. By application filed

April 14, 1972, PEZZA TRANSPORTATION, INC., 60 Armento Street, Johnston, RI 02919, seeks temporary authority to lease the operating rights of VOUTOUR'S EXPRESS, INC. (U.S. Internal Revenue Service, Successor in Interest), Room 434, Federal Building, 595 Main Street, Worcester, MA 01601, under section 210a(b). The transfer to PEZZA TRANSPORTATION, INC., of the operating rights of VOUTOUR'S EXPRESS, INC. (U.S. Internal Revenue Service, Successor in Interest), is presently pending.

By the Commission.

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

[FR Doc.72-6470 Filed 4-26-72;8:52 am]

[Notice 32]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

APRIL 21, 1972.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by § 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 2202 (Sub-No. 405), filed March 27, 1972. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, OH 44309. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite of Friedman Industries, Inc., at or near Lone Star, Tex., to points in North Carolina and Wisconsin. NOTE: Applicant states that tacking is possible within the State of North Carolina, although tacking is not intended. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2368 (Sub-No. 34), filed March 23, 1972. Applicant: BRALLEY-WILLETT TANK LINES, INC., 2212 Deepwater Terminal Road, Post Office Box 495, Richmond, VA 23204. Applicant's representative: Harry C. Ames, Jr., 666 Eleventh Street NW., Suite 705, Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuming nitric acid and nitric acid propellant*, in bulk, in tank vehicles, from Buffalo, N.Y., to Vandenberg Air Force Base, Calif., and Cape Kennedy, Fla. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2900 (Sub-No. 224), filed March 30, 1972. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, FL 32203. Applicant's representative: Robert H. Cleveland, Post Office Box 2408, Jacksonville, FL 32203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and warehouse facilities of the Olin Corp. at or near St. Marks, Fla., as an off-route point in connection with applicant's existing regular routes. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C., or Jacksonville, Fla.

No. MC 2900 (Sub-No. 225), filed March 30, 1972. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, FL 32203. Applicant's representative: Robert H. Cleveland, Post Office Box 2408, Jacksonville, FL 32203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and those requiring special equipment), serving the plantsite and warehouse facilities of the General Tire and Rubber Co., at or near Mount Vernon, Ill., as an off-route point in connection with applicant's existing regular-route authority. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Atlanta, Ga., or Jacksonville, Fla.

No. MC 2900 (Sub-No. 226), filed March 31, 1972. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, FL 32203. Applicant's representative: Robert H. Cleveland, Post Office Box 2408, Jacksonville, FL 32203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) serving the plantsite and warehouse facilities of Reynolds Metals Building Products Division located at or near Ashville, Ohio, as an off-route point in connection with carrier's existing regular routes; and (2) serving the plantsite and warehouse facilities of Freeman Shoe Co., a division of United States Shoe Corp., at or near Beloit, Wis., as an off-route point in connection with carrier's existing regular routes. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 3977 (Sub-No. 3), filed February 9, 1972. Applicant: DEWEY LONG CARTAGE, INC., 1551 West 102d Street, Rear, Cleveland, OH 44102. Applicant's representative: Ambrose A. Such, 5275 Ridge Road, Cleveland, OH

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

44129. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper products and materials, supplies, and machinery*, used in the production thereof, from Cleveland, Ohio, to Congo, W. Va., plantsite of Quaker State Oil, under contract with Westvaco Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 25399 (Sub-No. 8), filed March 27, 1972. Applicant: A-P-A TRANSPORT CORP., 2100 88th Street, North Bergen, NJ 07047. Applicant's representative: Herbert Burstein, 30 Church Street, New York, NY 10007. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment and those injurious of contaminating to other lading, between Scranton, Pa., on the one hand, and, on the other, New Windsor, N.Y. for operating convenience only. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unretricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 27578 (Sub-No. 5), filed March 22, 1972. Applicant: BALDWIN TRANSPORTATION CORPORATION, 554 West 38th Street, New York, NY 10018. Applicant's representative: Herbert Burstein, 30 Church Street, New York, NY. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, between points in that portion of the New York, N.Y., commercial zone as defined in the fifth supplemental report in Commercial Zones and Terminal Areas, 53 M.C.C. 451, within local operations may be conducted under the exemption provided by section 203(b)(8) of the Interstate Commerce Act (the exempt zone), on the one hand, and, on the other, points in Nassau, Suffolk, and Westchester Counties, N.Y. (exempt Great Neck Estates, Floral Park, and Valley Stream, in Nassau County, and Yonkers, Mount Vernon, Pelham, North Pelham, and Pelham Manor, in Westchester County). NOTE: Applicant states that the requested authority can be tacked at New York, N.Y., to serve points in Essex, Passaic, Middlesex, Union, Hudson, and Bergen Counties, N.J. Applicant further states that the purpose of the instant application is to remove the restriction contained in its present authority which limits the same to shipments having a prior movement by rail. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 29910 (Sub-No. 113), filed March 23, 1972. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, AR 72901. Applicant's representative: Thomas Harper, Kelley Building, Post Office Box 43, Fort Smith, AR 72901. Authority Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Plastic pipe, tubing, conduit, valves, and fittings, compounds, joint sealer, bonding cement, primer coating, thinner, and hand tools*, used in the installation of such products (except commodities in bulk, in tank vehicles), from Slidell and New Orleans, La., to points in Nebraska, Kansas, Oklahoma, Texas, Iowa, Missouri, Arkansas, Illinois, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Ohio, Michigan, North Carolina, South Carolina, and Georgia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Memphis, Tenn.

No. MC 30605 (Sub-No. 150), filed March 13, 1972. Applicant: THE SANTA FE TRAIL TRANSPORTATION COMPANY, a corporation, 433 East Waterman Street, Wichita, KS. 67202. Applicant's representative: F. J. Steinbrecher, 80 East Jackson Boulevard, Chicago, IL 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Wichita, Kans., and Woodward, Okla.; from Wichita over Kansas Highway 2 to junction of U.S. Highway 281, thence over U.S. Highway 281 to its junction with Oklahoma Highway 15, thence over Oklahoma Highway 15 to Woodward, and return over the same routes, serving all intermediate points in Oklahoma. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Woodward, Okla., or Wichita, Kans.

No. MC 30844 (Sub-No. 399), filed March 27, 1972. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, IA 50704. Applicant's representative: Truman A. Stockton, 1650 Grant Street Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Garden and lawn sprinklers, and garden and lawn implements*, from the plantsite and facilities of Melnor Industries at or near Moonachie, N.J., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to shipments originating at the above-named origin when destined to the named States. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 35628 (Sub-No. 329), filed March 29, 1972. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville SW., Grand Rapids, MI 49502. Applicant's representative: Leonard D. Verdier, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Eaton Corp. at or near Glasgow, Ky., as an off-route point in connection with carrier's operations to and from Louisville, Ky., and Evansville, Ind., as authorized in MC 35628. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, or Washington, D.C.

No. MC 41432 (Sub-No. 121), filed March 27, 1972. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, Post Office Box 10125, Dallas, TX 75207. Applicant's representative: W. P. Furrh (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Memphis and Millington, Tenn., from Memphis over U.S. Highway 51 to Millington, and return over the same route, serving the plantsite of Pulvair Corp., located in Shelby County, Tenn., as an off-route point in connection with applicant's regular-route authority to and from Memphis, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Dallas, Tex.

No. MC 51603 (Sub-No. 6), filed March 10, 1972. Applicant: REESE TRUCK LINE, INCORPORATED, Kerr Drive, 700 Petroleum Building, Jackson, Miss. 39204. Applicant's representative: John A. Crawford 700 Petroleum Building, Post Office Box 22567, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between

New Orleans, La., and Osyka, Miss.: From New Orleans, La., over U.S. Highway 61 and/or Interstate Highway 10 to junction U.S. Highway 51 and/or Interstate Highway 55 at or near Laplace, La., thence over U.S. Highway 51 and/or Interstate Highway 55 to Osyka, Miss., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. NOTE: If a hearing is deemed necessary, applicant requests it be held at McComb, Miss., Jackson, Miss., or New Orleans, La.

No. MC 52110 (Sub-No. 125), filed March 13, 1972. Applicant: BRADY MOTORFRATE, INC., 2150 Grand Avenue, Des Moines, IA 50312. Applicant's representative: Homer E. Bradshaw, First Floor Des Moines Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Wilson Certified Foods, Inc., at Marshall, Mo., to points in Indiana, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Louisville, and Covington, Ky., and the District of Columbia, restricted to traffic originating at Marshall, Mo., and destined to points in the named States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., Des Moines, Iowa, or St. Louis, Mo.

No. MC 55889 (Sub-No. 40), filed March 31, 1972. Applicant: COOPER TRANSFER CO., INC., Post Office Box 2207, Dothan, AL 36301. Applicant's representative: A. Alvis Layne, 915 Pennsylvania Building, Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, over regular routes: (1) Between New Orleans, La., and Jacksonville, Fla., from New Orleans over U.S. Highway 90 to Jacksonville (also over Interstate Highway 10), and return over the same route; (2) between Thomasville, Ga., and St. Petersburg, Fla., from Thomasville over U.S. Highway 19 to St. Petersburg, and return over the same route; (3) between Albany, Ga., and Miami, Fla., from Albany over U.S. Highway 82 to Tifton, Ga., thence over Interstate Highway 75 to Tampa, Fla., (also from Tifton over U.S. Highway 41 to Tampa), thence over U.S. Highway 41 to Miami, and return over the same routes; (4) between Bainbridge, Ga., and Miami, Fla., from Bainbridge over U.S. Highway 27, and return over the same route; (5) between junction of Interstate Highway 72 and Florida's Turnpike at or near Wildwood, Fla., and Miami, Fla., from junction Interstate Highway 75 and Florida's Turnpike over Florida's Turnpike to Miami, and return over the same route; (6) between Naples, Fla., and Fort Lauderdale, Fla., from Naples over Florida Highway 84 to Fort Lauderdale, and return over the same route; (7) between Jacksonville, Fla., and Miami, Fla., from Jacksonville over U.S. Highway 1 to Miami (also over Interstate Highway 95), and return over the same routes;

(8) Between Baldwin, Fla., and junction Florida's Turnpike, from Baldwin over U.S. Highway 301 to junction Florida's Turnpike at or near Wildwood, Fla., and return over the same route; (9) between Daytona Beach, Fla., and St. Petersburg, Fla., from Daytona Beach over U.S. Highway 92 to St. Petersburg, (also over Interstate Highway 4), and return over the same routes; (10) between Tampa, Fla., and junction Florida's Turnpike, from Tampa over Florida Highway 60 to junction Florida's Turnpike at or near Yeehaw Junction, Fla., and return over the same route, serving, in connection with Routes 1 through 10 above, (1) all intermediate points in Alabama, Georgia, and those in Florida on and west of Florida Highway 87 and on and east of the Apalachicola River; (2) all other points in Florida on and west of Florida Highway 87 and on and east of the Apalachicola River as offroute points; and (3) all intermediate points in Mississippi, with service at Mississippi points restricted to the transportation of shipments moving from or to points in Florida; (11) between Columbus, Ga., and Bainbridge, Ga., from Columbus over U.S. Highway 431 to Dothan, Ala., thence over U.S. Highway 84 to Bainbridge, and return over the same routes, serving Dothan and points between Dothan and Bainbridge as intermediate points and (12) between Geneva and Dothan, Ala., from Geneva over Alabama Highway 52 to Dothan, and return over the same route, serving all intermediate points, restricted to the transportation of shipments moving from or to points in Florida. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Jacksonville, Fla.

No. MC 61592 (Sub-No. 216) (Amendment), filed May 21, 1971, published in the FEDERAL REGISTER issue of June 10, 1971, and republished as amended, this issue. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) Antipollution systems, equipment, and parts, liquid cooling and vapor condensing systems equipment and parts; environmental control and protective systems, equipment and parts; (B) equipment, materials, and supplies used in the construction or installation of antipollution and environmental control and protective systems, and liquid cooling and vapor condensing systems (except commodities in bulk), between points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to reflect a change in the commodity description. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 63417 (Sub-No. 41), filed March 15, 1972. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, 1814 Hollins Road NE., Post Office Box 2888, Roanoke, VA 24001. Applicant's representative: Nancy Pveatt, 420 Executive Building, 1030 15th Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *new furniture*, from Macon, Ga., to points in Alabama, Arkansas, Florida, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas, restricted against tacking with existing authority to perform northbound service from Macon, Ga., to points north of the northern boundary of South Carolina. NOTE: Applicant states that (1) This proposed authority could be combined with Sub 5 (new furniture from points in Alabama to Stanleytown, Va.) and Sub 6 (new furniture from Stanleytown, Va.) to provide through service from Macon, Ga., to points in Illinois, Indiana, Kentucky, Michigan, Tennessee, and Virginia; (2) This proposed authority could be combined with Sub 18 (new furniture from Sumter, S.C.) to provide through service from Macon, Ga., to points in West Virginia, Maryland, Pennsylvania, Ohio, New York, Delaware, New Jersey, Kentucky, Illinois, Indiana, Michigan, Virginia, and (via Sub 6, new furniture from Roanoke, Va.) North Carolina, Tennessee, and the District of Columbia. NOTE: The operations outlined in (1) and (2) above would be prohibited by the restriction against tacking to perform through northbound service, as applied for here by Blue Ridge; (3) By combining Sub 5 general commodity authority to Rocky Mount, Va., with Sub 6 new furniture authority from Rocky Mount, Va., to points in Georgia, and with this proposed authority, Blue Ridge would be able to transport new furniture from points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and West Virginia, to points in Alabama, Arkansas, Florida, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas. (This service is now authorized to points in Alabama, Florida, and South Carolina), and (4) by combining Sub 30 new furniture authority from Sumter, S.C., to points in Georgia with this proposed authority, Blue Ridge would be able to provide through service in the transportation of new furniture from Sumter, S.C., to points in Alabama, Arkansas, Florida, Louisiana, Mississippi, Oklahoma, and Texas. (This service is now authorized to points in Alabama and Florida.) If a hearing is deemed necessary, applicant requests it

be held at Washington, D.C., or Roanoke, Va.

No. MC 65580 (Sub-No. 18), filed March 27, 1972. Applicant: MUSHROOM TRANSPORTATION COMPANY, INC., 845 East Hunting Park Avenue, Philadelphia, PA 19124. Applicant's representative: Joseph A. Malloy, Jr., 1738 Philadelphia National Bank Building, Philadelphia, Pa. 19124. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Phillipsburg, N.J., and Erie, Pa., from Phillipsburg, N.J., over Interstate Highway 78, thence over Interstate Highway 78 to junction Pennsylvania Highway 309, thence over Pennsylvania Highway 309 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction Interstate Highway 80, thence over Interstate Highway 80 to Interstate Highway 79, thence over Interstate Highway 79 to Erie, and return over the same route, as an alternate route for opening convenience only, in connection with applicant's authorized regular route authority, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, or Erie, Pa., or Trenton, N.J.

No. 66686 (Sub-No. 30), filed March 24, 1972. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, MO 64108. Applicant's representative: Ralph A. Wood (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Materials, supplies, and equipment* used or useful in the maintenance and operation of printing and publishing houses (restricted to the transportation of commodities which because of size or weight or other inherent nature require the use of special equipment for the transportation or handling thereof), between points in Missouri, Kansas, Illinois, Iowa, Nebraska, Colorado, Oklahoma, and Texas and (2) *parts, attachments, accessories, and components of commodities* named in (1) above, between points in the States named in (1) above, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 69635 (Sub-No. 4), filed March 31, 1972. Applicant: THE FORTUNE CORPORATION, 91 South Connecticut Street, Seattle, WA 98134. Applicant's representative: Horace Raphael (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in King, Pierce, and Snohomish Counties, Wash., restricted to traffic having a prior or subsequent movement by water, land, or air. NOTE: Applicant states that the requested authority can be tacked at Seattle, Wash., with its authority under MC 69635 Subs (1), (2), and (3). If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 76032 (Sub-No. 294), filed March 27, 1972. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, CO 80223. Applicant's representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, coconuts, and pineapples*, (a) from Kansas City, Kans., to points in Nebraska, Kansas, North Dakota, South Dakota, Minnesota, Iowa, Missouri, Wisconsin, Illinois, and Indiana; (b) from St. Louis, Mo., to points in Missouri, Illinois, and Iowa; (c) from Chicago, Ill., to points in Indiana, Wisconsin, Illinois, Iowa, Michigan, and Minnesota; (d) from Council Bluffs, Iowa, to points in Nebraska, North Dakota, South Dakota, Iowa, and Minnesota; (e) from Inver Grove, Minn., to points in South Dakota, North Dakota, Wisconsin, and Minnesota; (f) from Denver, Colo., to points in Colorado, Nebraska, South Dakota, and Wyoming, restricted to the transportation of traffic (a) moving in chassis mounted containers and (b) having a prior or subsequent movement by rail. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 76429 (Sub-No. 5) (Amendment), filed December 27, 1971, published in the FEDERAL REGISTER issue of January 27, 1972, and republished as amended, this issue. Applicant: WILLIAM A. STEWART, doing business as STEWART TRUCK LINE, Dry Ridge, Ky. 41035. Applicant's representative: Rudy Yessin, McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Sherman, Ky., and Corinth, Ky., serving all intermediate points and points within five (5) miles thereof, over U.S. Highway 25; and (2) Between Dry Ridge, Ky., and Warsaw, Ky., serving all intermediate points and points with 5 miles of said route, except points in Indiana over the following route: Over Kentucky Highway 22 to Owenton to its junction with U.S. Highway 127, thence over U.S. Highway 127 to Owenton, thence over U.S. Highway 127 to its junction with Kentucky Highway 35, thence over Kentucky Highway 35 to its junction with Interstate Highway 71, thence over Interstate Highway 71 to its intersection with Kentucky Highway 455, thence over Kentucky Highway 455, to Warsaw, Ky., and/or over U.S. Highway 127 to its junction with U.S. Highway 42, thence over U.S. Highway 42 to Warsaw. NOTE: Applicant states it will tack at common points. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. The purpose of this republication is to redescribe the authority sought. If a hearing is deemed necessary, applicant requests it be held at Lexington, Ky.

No. MC 83539 (Sub-No. 335), filed March 30, 1972. Applicant: C & H TRANSPORTATION CO., INC., 1936–2010 West Commerce Street, Post Office Box 5976, Dallas, TX 75222. Applicant's representative: Thomas E. James (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in cargo containers and cargo vans, between all points in the United States (including Alaska but excluding Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., Houston, Tex., and Washington, D.C.

No. MC 84449 (Sub-No. 4), filed March 27, 1972. Applicant: CALVALCADE TRUCKING, INC., Old Tyburn Road, Fairless Hills, Pa. 19030. Applicant's representative: V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty containers*, other than empty cargo containers or empty glass containers, and *such other materials, supplies, parts, and equipment* used or useful in the manufacture, production, assembly, and distribution of containers (except commodities in bulk), between Philadelphia, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, New Jersey, New York, Virginia, and the District of Columbia. NOTE: Applicant now has authority to transport tinware, between Philadelphia, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, New Jersey, New York, Virginia, and the District of Columbia. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 88161 (Sub-No. 86), filed March 24, 1972. Applicant: INLAND TRANSPORTATION CO., INC., 6737 Corson Avenue South, Seattle WA 98108. Applicant's representative: Richard J. Howard, White-Henry-Stuart Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Whitman, Garfield, Columbia, and Asotin Counties, Wash., to points in Oregon, Idaho, and

Montana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 128203 Sub-1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 90373 (Sub-No. 31), filed March 30, 1972. Applicant: C & R TRUCKING CO., a corporation, Inman Avenue, Avenel, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastics articles*, between Washington, N.J., Macedon, N.Y., and Canandaigua, N.Y., on the one hand, and, on the other, points in New York, Pennsylvania, New Jersey, Delaware, Maryland, Connecticut, Massachusetts, and the District of Columbia, under a continuing contract, or contracts with Mobil Chemical Co., Plastics Division. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 94350 (Sub-No. 309), filed March 27, 1972. Applicant: TRANSIT HOMES, INC., Post Office Box 1628, Haywood Road, Greenville, SC 29602. Applicant's represenative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles in initial shipments, from points in Onslow County, N.C. (excluding Jacksonville) and from points in Chatham County, N.C., to points in the United States east of the Mississippi River, including Louisiana and Minnesota. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 95540 (Sub-No. 841), filed March 27, 1972. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Frozen citrus products*, from points in Florida to points in Connecticut, Maine, Maryland, Massachusetts, Rhode Island, and Vermont; and (B) *citrus products*, not canned and not frozen, from points in Florida to points in Rhode Island. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 95540 (Sub-No. 842), filed March 27, 1972. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, from Burlington, Mass., to points in New York, Pennsylvania, New Jersey, Delaware, West Virginia, Maryland, Ohio, Indiana, Kentucky, Tennessee, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Illinois, Kansas, and Nebraska. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 95540 (Sub-No. 843), filed March 27, 1972. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, from Burlington, Mass., to points in Maine, Vermont, New Hampshire, Rhode Island, Connecticut, Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Florida, and the District of Columbia. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 102616 (Sub-No. 869), filed March 29, 1972. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, OH 44319. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid acids and liquid chemicals*, in bulk, from points in the United States (except Alaska and Hawaii), to Bay City and Midland, Mich., restricted to traffic destined to Bay City and Midland, Mich., and points in their respective commercial zone. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 103498 (Sub-No. 24), filed March 16, 1972. Applicant: W. D. SMITH TRUCK LINE, INC., Post Office Box 68, De Queen, AR 71832. Applicant's representative: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from points in Howard and Polk Counties, Ark., to points in Louisiana, Illinois, Indiana, Kentucky, Tennessee, Mississippi, Georgia, and those in Missouri on and north of U.S. Highway 36. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 105566 (Sub-No. 68), filed March 28, 1972. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1119, Cape Girardeau, MO 63701. Applicant's representative: Thomas F. Kilroy, Post Office Box 624, Springfield, VA 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Waterloo, Iowa to points in Baxter, Clay, Craighead, Cross, Fulton, Greene, Independence, Izard, Jackson, Lawrence, Mississippi, Poinsett, Randolph, and Sharp Counties, Ark.; Alexander, Clay, Crawford, Edwards, Effingham, Fayette, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jasper, Jefferson, Johnson, Lawrence, Marion, Massac, Perry, Pope, Pulaski, Randolph, Richland, Saline, Union, Wabash, Wayne, White, and Williamson Counties, Ill.; Brown, Crawford, Daviess, Dubois, Gibson, Greene, Knox, Lawrence, Martin, Monroe, Orange, Perry, Pike, Posey, Spencer, Sullivan, Vanderburgh, and Warrick Counties, Ind.; Ballard, Caldwell, Calloway, Carlisle, Christian, Crittenden, Daviess, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, McCracken, McLean, Marshall, Muhlenberg, Ohio, Todd, Trigg, Union, and Webster Counties, Ky.; Bollinger, Butler, Cape Girardeau, Carter, Crawford, Dent, Douglas, Dunklin, Howell, Iron, Madison, Mississippi, New Madrid, Oregon, Ozark, Pemiscot, Perry, Phelps, Pulaski, Reynolds, Ripley, Ste. Genevieve, St. Francois, Scott, Stoddard, Shannon, Texas, Washington, Wayne, and Wright Counties, Mo.; Lake and Obion Counties, Tenn. NOTE: Applicant states that applicant holds no authority to which the requested authority could be tacked or joined. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 105566 (Sub-No. 69), filed March 28, 1972. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1119, Cape Girardeau, MO 63701. Applicant's representative: Thomas F. Kilroy, Post Office Box 624, Springfield, VA 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite of the Kitchens of Sara Lee at or near New Hampton, Iowa, to points in New York, Pennsylvania, Virginia, West Virginia, New Jersey, Maryland, Delaware, Ohio, Tennessee, Kentucky, and the District of Columbia, restricted to traffic originating at said plantsite and destined to the above named States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 105566 (Sub-No. 70), filed March 28, 1972. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1119, Cape Girardeau, MO 63701. Applicant's representative: Thomas F. Kilroy, Post Office Box 624, Springfield, VA 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: (1) *Carnivorous food products*, in packages, from Columbus, Ohio, to all points in the United States on and east of U.S. Highway 85, and (2) *Materials and supplies* used in the manufacture, sale, and distribution of carnivorous food products (except in bulk), from points in the United States (except Alaska and Hawaii), to Columbus, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington. D.C.

No. MC 105566 (Sub-No. 71), filed March 28, 1972. Applicant: SAN TANKSLEY TRUCKING, INC., Post Office Box 1119, Cape Girardeau, MO 63701. Applicant's representative: Thomas F. Kilroy, Post Office Box 624, Springfield, VA 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and animal feed* (except in bulk), in vehicles equipped with mechanical refrigeration from points in Alexander, Union, and Wilkes Counties, N.C., and Accomack and Hanover Counties, Va., to points in the United States west of the Mississippi River (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106398 (Sub-No. 593), filed March 23, 1972. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard, fiberboard, pulpboard, adhesive cement, plastic and fiberglass plate and sheets, nails, wood mouldings, aluminum flashings, and eave filler strips*, from plantsite of Barclay Industries, Inc., in Lodi, N.J., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106497 (Sub-No. 67), filed March 27, 1972. Applicant: PARKHILL TRUCK COMPANY, a corporation, Post Office Box 912, Business Route I–44 East, Joplin, MO 64801. Applicant's representative: A. N. Jacobs, Post Office Box 113, Joplin, MO 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural tractors and parts, implements, attachments, accessories, and supplies*, from New Orleans, La., to points in Alabama, Arkansas, Mississippi, Illinois, Louisiana, and Tennessee. NOTE: Applicant states that the requested authority can be tacked with its Sub No. 4 where "size or weight" commodities are involved, but tacking is not intended. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Dallas, Tex.

No. MC 106603 (Sub-No. 122), filed March 27, 1972. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, MI 49508. Applicant's representative: Martin J. Leavitt, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Masonry building products, and materials, and supplies* used in the installation thereof (except commodities in bulk), from Ypsilanti, Mich., to points in Ohio, Indiana, Illinois, Pennsylvania, West Virginia, and Kentucky. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 46240 and subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 107002 (Sub-No. 416), filed March 23, 1972. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123, U.S. Highway 80 West, Jackson, MS 39205. Applicant's representative: H.D. Miller, Jr., Post Office Box 22567, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from points in Harrison and Jackson Counties, Miss., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, and West Virginia. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Memphis, Tenn.

No. MC 107107 (Sub-No. 420), filed March 24, 1972. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 Northwest 42d Avenue, Opa Locka, FL 33054. Applicant's representative: Ford W. Sewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C, appendix I, to the report in 61 M.C.C. 209 and 766 (except commodities in bulk, and hides, skins, and pieces thereof), from the plantsite and storage facilities utilized by Swift & Co. at or near St. Charles, Ill., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina (restricted to traffic originating at the plantsite and storage facilities of Swift & Co. at or near St. Charles, Ill.). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Washington, D.C.

No. MC 107107 (Sub-No. 421), filed March 24, 1972. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 Northwest 42d Avenue, Opa Locka, FL 33054. Applicant's representative: Ford W. Sewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods and foodstuffs* in vehicles equipped with mechanical refrigeration, from New Orleans, La., to points in Alabama, Mississippi, Georgia, South Carolina, and Florida and the return of such products as may be required from these States to New Orleans, La. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 107515 (Sub-No. 797), filed March 29, 1972. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Appleton, Wis., to points in Kentucky, Alabama, Florida, Georgia, Tennessee, Arkansas, Oklahoma, Texas, Louisiana, Mississippi, North Carolina, South Carolina, West Virginia, and Virginia, restricted to traffic originating at and destined to the points named. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 108449 (Sub-No. 341), filed March 16, 1972. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, MN 55113. Applicant's representative: Adolph J. Bieberstein, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement*, in bulk, from Winona, Minn., to points in Iowa, Minnesota, and Wisconsin; and (2) *fly ash*, from points in Marathon County, Wis., to points in Illinois, Iowa, Minnesota, Upper Peninsula of Michigan, and Wisconsin. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore

does identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Paul, Minn.

No. MC 108587 (Sub-No. 15), filed March 21, 1972. Applicant: SCHUSTER'S EXPRESS, INC., 48 Norwich Avenue, Colchester, CT 06415. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and those injurious or contaminating to other lading), between Boston, Mass., and Buffalo, N.Y., serving Springfield and Worcester, Mass., and all intermediate points in New York, and the off-route points in New York on and south of a line extending along the shoreline of Lake Ontario to Oswego, N.Y., thence along New York Highway 57 to Syracuse, N.Y., thence along New York Highway 5 through Utica, N.Y., to Schenectady, N.Y., thence along New York Highway 7 to Troy, N.Y., thence along New York Highway 66 to junction New York Highway 43, and thence along U.S. Highway 43 to the New York-Massachusetts State line; and off route points in Onondaga and Jefferson Counties, N.Y., From Boston, Mass., over Interstate Highway 90 to Buffalo, N.Y., and return over the same route. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.; or Hartford, Conn.

No. MC 108884 (Sub-No. 23), filed March 30, 1972. Applicant: ROGERS TRANSFER, INC., Route 46, Post Office Box 175, Great Meadows, NJ 07838. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products*, from New York, N.Y., Newark and Jersey City, N.J., Philadelphia, Pa., Wilmington, Del., and Norfolk, Va., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Maryland, Delaware, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Louisiana, Mississippi, Tennessee, Kentucky, Arkansas, Ohio, Indiana, Illinois, Michigan, Missouri, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 109397 (Sub-No. 269), filed March 19, 1972. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Joplin, MO 64801. Applicant's representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Source, special nuclear ar. l byproduct materials, radioactive materials, related reactor equipment, component parts, and associated materials*, between the facilities of Jersey Nuclear, Inc., located at or near Richland, Wash., on the one hand, and, on the other, points in the United States (except Hawaii and Alaska). NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its Sub No. 150 between points in Washington, but indicates that it has no present intention to tack and, therefore, does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Portland, Oreg.

No. MC 109397 (Sub-No. 270), filed March 22, 1972. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Business Route I–44 East, Joplin, MO 64801. Applicant's representative: A. N. Jacobs, Post Office Box 113, Joplin, MO 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel shop equipment, office equipment, pallet racks, storage and wardrobe lockers*, from Santa Ana, Calif., to points in the United States (except California and Hawaii). NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, or San Francisco, Calif.

No. MC 109478 (Sub-No. 123), filed March 14, 1972. Applicant: WORSTER MOTOR LINES, INC., Gay Road, Rural Delivery No. 1, North East, PA 16428. Applicant's representative: Joseph F. Mackrell, 23 West 10th Street, Erie, PA 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations and foodstuffs*, in vehicles equipped to protect such products from heat or cold, except in bulk, in tank vehicles, from the plantsite and/or warehouse facilities of Kraftco Corp., at or near Fogelsville and Allentown, Pa., to points in New York, Ohio, and Pennsylvania, restricted to traffic originating at the named origins and destined to points in the named territory. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Philadelphia, Pa., or New York, N.Y.

No. MC 111729 (Sub-No. 341), filed March 10, 1972. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, records, audit and accounting media of all kinds*, (a) Between Oak Brook, Ill., and Madison, Wis.; (b) between Philadelphia, Pa., on the one hand, and, on the other, Hampton, Newport News, Norfolk, Portsmouth, and Richmond, Va.; (c) between Quantico, Va., on the one hand, and, on the other, Albany, Ga.; Beaufort, Parris Island, S.C.; Cherry Point, and Jacksonville, N.C.; and Philadelphia, Pa.; (d) between Bird International Airport, Richmond, Va., and Quantico, Va., having an immediately prior or subsequent movement by air; and (e) between Tiffin, Ohio, and Fort Wayne, Ind. NOTE: Applicant holds authority under MC 112750 and subs, therefore, common control and dual operations may be involved. It further states a portion of the requested authority could be tacked with certain existing authorities, however, applicant does not, at present, have any intentions to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 113678 (Sub-No. 452), filed March 27, 1972. Applicant: CURTIS, INC., 4810 Pontiac Street, Post Office Box 16004, Stockyards Station, Denver, CO 80216. Applicant's representative: Duane W. Acklie, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from Carroll, Iowa, to points in Arizona, California, Colorado, Connecticut, Delaware, Idaho, Illinois, Maine, Maryland, Massachusetts, Montana, New Hampshire, New York, Nevada, Ohio, Oregon, Pennsylvania, Rhode Island, Utah, Vermont, Virginia, Washington, West Virginia, Wyoming, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., Denver, Colo., or Washington, D.C.

No. MC 114239 (Sub-No. 30) (Amendment), filed January 3, 1972, published in the FEDERAL REGISTER issue of February 3, 1972, and republished as amended this issue. Applicant: FARRIS TRUCK LINE, a corporation, Faucett, Mo. Applicant's representative: Warren H. Sapp, 450 Professional Building, 1103 Grand Avenue, Kansas City, MO 64106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry urea*, from the plantsite and warehouse facilities of Atlas Chemical Industries located

at or near Atlas, Mo., to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Nebraska, and Oklahoma under a continuing contract or contracts with W. R. Grace & Co. NOTE: The purpose of this republication is to remove the restriction "except in tank vehicles". If a hearing is deemed necessary, applicant requests it be held at Kansas City, St. Joseph, or Joplin, Mo.

No. MC 114312 (Sub-No. 24), filed March 23, 1972. Applicant: ABBOTT TRUCKING, INC., Route 3, Delta, Ohio 43515. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from Coldwater, Mich., to points in Indiana which are on north and east of a line beginning at the junction of U.S. Highway 40 and the Indiana-Ohio State line, thence west on U.S. Highway 40 to junction U.S. Highway 231, thence north on U.S. Highway 231 to junction Indiana Highway 43, thence via U.S. Highway 421 to Michigan City, Ind. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Chicago, Ill.

No. MC 114533 (Sub-No. 250), filed March 15, 1972. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, IL 60632. Applicant's representative: Arnold Burke, Suite 1133, 127 North Dearborn, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Exposed and processed film and prints, complimentary replacement film and incidental dealer handling supplies* (except motion picture films and materials and supplies used in connection with commercial and television motion pictures), between St. Louis, Mo., on the one hand, and, on the other points in Riley, Leavenworth, and Wyandotte Counties, Kans.; and (2) *proofs, cuts, copy, and other graphic arts material*, between Hillsboro, Ill., on the one hand, and, on the other, Kansas City, Mo. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 128616, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis or Kansas City, Mo.

No. MC 114632 (Sub-No. 50), filed March 16, 1972. Applicant: APPLE LINES, INC., Box 507, Madison, SD 57042. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except dairy products and commodities in bulk, in tank vehicles), (1) from the plantsites and storage facilities of Tony Downs Food Co. at St. James and Madelia, Minn., and Butterfield Foods, Inc., at Butterfield, Minn., to points in Illinois, Indiana, Iowa, Kansas, Missouri, Oklahoma, Nebraska, North Dakota, South Dakota, and Wisconsin; and (2) from the plantsite of Wadco, Inc., at Estherville, Iowa, to points in Illinois, Indiana, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Oklahoma, and Wisconsin, restricted in (1) and (2) above to traffic originating at the named plantsites and storage facilities and destined to the named States. NOTE: Applicant holds contract carrier authority under MC 129706, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Omaha, Nebr.

No. MC 115826 (Sub-No. 234) (Amendment), filed December 27, 1971, published in the FEDERAL REGISTER issue of February 3, 1972, and republished as amended, this issue. Applicant: W. J. DIGBY, INC., 1960 31st Street, Denver, CO 80217. Applicant's representative: Ezekial Gomez (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese products, and advertising material and specialties, and related equipment and supplies*, when moving with cheese and cheese products, from Logan, Utah, to points in Arizona, California, Colorado, Idaho, New Mexico, Nevada, Montana, Oregon, Utah, Washington, Wisconsin, and Wyoming. NOTE: The purpose of this republication is to reflect the amended commodity description as shown above, and the addition as destination points, Utah and Wisconsin. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Salt Lake City, Utah.

No. MC 115826 (Sub-No. 242), filed March 13, 1972. Applicant: W. J. DIGBY, INC., 1960 31st Street, Denver, CO 80217. Applicant's representative: Robert R. Digby, 217 Luhrs Tower, Phoenix, Ariz. 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and potato products* not frozen, from points in Idaho, Oregon, and Washington, to points in Connecticut, Delaware, Maryland, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Boise, Idaho.

No. MC 115840 (Sub-No. 76), filed March 13, 1972. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 West Bankhead Highway, Post Office Box 10327, Birmingham, AL 35202. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe, plastic fittings, connections, valves, hydrants, extrusions, and gaskets*, (except commodities in bulk), from the plantsite of Precision Polymers of Arkansas, located at or near East Camden, Ark., and Precision Polymers, Inc., located at or near Rockaway, N.J., to points in the United States (except Alaska and Hawaii); and (2) *equipment, materials, and supplies* used in the manufacture of commodities in Part (1) (except commodities in bulk), from points in the United States (except Alaska and Hawaii), to the plantsites of Precision Polymers of Arkansas, located at or near East Camden, Ark., and Precision Polymers, Inc., located at or near Rockaway, N.J. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Birmingham, Ala.

No. MC 119539 (Sub-No. 17), filed March 22, 1972. Applicant: BEVERAGE TRANSPORT, INC., Post Office Box 88, East Broomfield, NY 14443. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, NY 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from (1) Egypt, Rushville and Red Creek, N.Y., to points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset and Union Counties, N.J.; and (2) from Waterloo, N.Y., to points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, Union, N.J.; and Westchester, Nassau, and Suffolk Counties, N.Y., and New York, N.Y. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Rochester, N.Y.

No. MC 119632 (Sub-No. 52), filed March 23, 1972. Applicant: REED LINES, INC., 634 Ralston Avenue, Defiance, OH 43512. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the plantside and warehouse facilities of the General Tire & Rubber Co. at or near Mount Vernon, Ill., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, the Lower Peninsula of Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119741 (Sub-No. 43), filed March 23, 1972. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., Post Office Box 1235, also R.F.D. 2, Fort

Dodge, IA 50501. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsites and warehouse facilities of Needham Packing Co., Inc., located at Omaha, Nebr. and Sioux City, Iowa, to points in Indiana, Michigan, and Ohio, restricted to traffic originating at the named origins and destined to the named destination States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 119789 (Sub-No. 115), filed March 27, 1972. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James K. Newbold (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cleaning, polishing, and waxing compounds;* (2) *starch;* (3) *air fresheners and disinfectants;* (4) *mops, dusters, waxers, brooms, and carpet sweepers;* (5) *plastic bags;* and (6) *diet and nutritional foods* (except frozen), from Urbana, Ohio, and Franklin, Ky., to Kansas City, Mo., and St. Louis, Mo. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 119789 (Sub-No. 116), filed March 27, 1972. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James K. Newbold (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cleaning, polishing, and waxing compounds*, (2) *starch;* (3) *air fresheners and disinfectants;* (4) *mops, dusters, waxers, and broom, and carpet sweepers* (5) *plastic bags*, and (6) *diet and nutritional foods* (except frozen), from Urbana, Ohio, and Franklin, Ky., to Atlanta, Ga., and Jacksonville, Fla. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 121114 (Sub-No. 3), filed March 23, 1972. Applicant: OAKLAND VAN & STORAGE, INC., 867 Isabella Street, Oakland, CA 96407. Applicant's representative: W. S. Pilling, 100 Bush Street, 21st Floor Shell Building, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, (1) between San Francisco and Oakland, Calif., on the one hand, and, on the other, points in California, (2) between points in Los Angeles County, Calif.; and (3) between points in San Diego County, Calif. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 123069 (Sub-No. 14), filed March 28, 1972. Applicant: ALLER & SHARP, INC., 817 West Fifth Avenue, Columbus, OH 43212. Applicant's representative: Thomas F. Kilroy, Post Office Box 624, Springfield, VA 22150. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) *Carnivorous food products*, in packages, from Columbus, Ohio, to points in Kentucky, West Virginia, Tennessee, Indiana, Illinois, the Lower Peninsula of Michigan, points in the St. Louis, Mo., commercial zone as defined by the Commission, and those points in New York, Maryland, Virginia, and Pennsylvania on and west of Interstate Highway 81, and (2) *materials and supplies* used in the manufacture, sale, and distribution of carnivorous food products (except in bulk), from points in Kentucky, West Virginia, Tennessee, Indiana, Illinois, the Lower Peninsula of Michigan, points in the St. Louis, Mo., commercial zone as defined by the Commission, and those points in New York, Maryland, Virginia, and Pennsylvania on and west of Interstate Highway 81, to Columbus, Ohio. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Columbus, Ohio.

No. MC 123389 (Sub-No. 14), filed March 27, 1972. Applicant: CROUSE CARTAGE COMPANY, a corporation, Carroll, Iowa 51401. Applicant's representative William S. Rosen, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* distributed by meat packinghouses as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Carroll, Denison, and Iowa Falls, Iowa, to points in Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and West Virginia. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Washington, D.C.

No. MC 124211 (Sub-No. 200) (Amendment), filed August 9, 1971, published in the FEDERAL REGISTER issue of September 30, 1971, and republished as amended, this issue. Applicant: HILT TRUCK LINE, INC., Post Office Drawer 988 D.T.S., Omaha, NE 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint, paint materials, and plumbing supplies*, except commodities in bulk, from Omaha, Nebr., to points in Connecticut, Florida, Georgia, Maryland, Massachusetts, Mississippi, New York, North Carolina, Pennsylvania, South Carolina, and New Jersey; (b) *Foods*, from points in Lancaster, Madison, Platte, and Saline Counties, Nebr., to points in Michigan, Minnesota, Wisconsin, and those in that part of New York and Pennsylvania on and west of U.S. Highway 15; (c) *animal foods*, except commodities in bulk, from points in Montgomery County, Iowa, to points in the United States (except Alaska and Hawaii); and (d) *junk and scrap, nonferrous metals, and waste materials*, except in bulk, between points in Lancaster, Nance, and Platte Counties, Nebr., on the one hand, and, on the other, points in Arizona, Arkansas, Louisiana, Mississippi, and Texas. Restriction: The authority sought herein to the extent it duplicates any authority presently held by carrier, shall not be construed as conferring more than one operating right, severable by sale or otherwise. NOTE: Applicant states it will tack with its existing authority at origins and destinations involved. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. No duplicate authority is sought. The purpose of this republication is to redescribe the authority sought. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 124606 (Sub-No. 2), filed March 23, 1972. Applicant: FORD TRUCK LINE, INC., 1389 South Third Street, Memphis, TN 38106. Applicant's representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Authority sought to

operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Memphis, Tenn., and Clarksville, Tenn.; From Memphis over Interstate Highway 40 to its junction with U.S. Highway 70, northeast of Jackson, Tenn., thence over U.S. Highway 70 to Huntingdon, Tenn., thence over Tennessee Highway 22 to McKenzie, Tenn., thence over U.S. Highway 79 to Clarksville, Tenn., and return over the same route, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 124679 (Sub-No. 50), filed March 20, 1972. Applicant: C. R. ENGLAND & SONS, INC., 975 West 2100 South, Salt Lake City, UT 84119. Applicant's representative: Daniel B. Johnson, Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Aluminum sheets* with plastic impregnation, from Salt Lake City, Utah, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant now holds contract carrier authority under its No. MC 128813 and subs, therefore dual operations may be involved. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Salt Lake City, Utah.

No. MC 124692 (Sub-No. 90), filed March 27, 1972. Applicant: SAMMONS TRUCKING, Post Office Box 1447, Missoula, MT 59801. Applicant's representative: Gene P. Johnson, 514 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood fiberboard*, faced or finished with decorative or protective material, and *accessories and supplies* used in the installation thereof, from Denver, Colo., to points in Nebraska, Kansas, Wyoming, Montana, Utah, Idaho, Washington, and Oregon. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Denver, Colo.

No. MC 125522 (Sub-No. 2), filed March 6, 1972. Applicant: SUNBURY TRANSPORT, LIMITED, Hoyt, New Brunswick, Canada. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and hardwood flooring*, (1) from ports of entry on the international boundary line between the United States and Canada located at or near Houlton, Vanceboro, Calais, Madawaska, Fort Kent, and Jackman, Maine to points in Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Michigan, Indiana, Ohio, and the District of Columbia; and (2) from ports of entry on the international boundary line between the United States and Canada located at or near Beechers Falls, N.H.; Norton, Derby Line, Richford, and Swanton, Vt.; Rouses Point, Rooseveltown, Alexandria Bay, Niagara Falls, and Buffalo, N.Y., and Detroit, Mich., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Michigan, Indiana, Ohio, and the District of Columbia, restricted to traffic originating at Estcourt (Temiscouata County), Quebec, Canada. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Maine, or Boston, Mass.

No. MC 125627 (Sub-No. 1), filed March 27, 1972. Applicant: I & L TRUCKING, INC., 69 William Street, Belleville, NJ. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpets, carpeting, linoleum, tiling, materials, equipment and supplies*, used or useful in the installation and sale of carpets, carpeting, linoleum, and tiling (except commodities in bulk), from the Sussman and Spiegel Distribution Center, at Linden, N.J., to New York, N.Y., points in Nassau, Suffolk, Westchester, Orange, Rockland Counties, N.Y., and Fairfield County, Conn. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 125627 (Sub-No. 2), filed March 27, 1972. Applicant: I & L TRUCKING, INC., 69 William Street, Belleville, NJ. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NY 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, from the piers in New York Harbor to the facilities of Sussman and and Spiegel, Distribution Center, Inc., Belleville, N.J. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 125813 (Sub-No. 11), filed March 23, 1972. Applicant: CRESSLER TRUCKING, INC., 153 West Orange Street, Shippensburg, PA 17257. Applicant's representative: John M. Musselman, 400 North Third Street, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Valves, air separators, vacuum breakers, thermostatic traps, float traps, bucket traps, thermo-disc traps, temperature regulators, pressure regulators, water hammer arresters, expansion joints, elbows and their fittings and connectors, vent tees, and distribution flow tees*, (b) *components, accessories and parts of plumbing and drainage systems, and heating and air conditioning systems*, (c) *pumps and pump parts*, and (d) *installation manuals and advertising materials* for the commodities in parts (a), (b), and (c) above, between Shippensburg, Pa., on the one hand; and, on the other, points in Connecticut, Delaware, Indiana, Illinois, Kentucky, Maine, Maryland, Michigan, New Hampshire, Ohio, Pennsylvania (except Philadelphia), Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and (2) *components, accessories and parts of heating and air conditioning systems*, between Shippensburg, Pa., on the one hand, and, on the other, points in California, Masschusetts, New Jersey, New York, Oregon, Texas, Washington, and Philadelphia, Pa. NOTE: Common control may be involved. Applicant states it would be able to tack at Shippensburg, Pa., or Peru or Indianapolis, Ind. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 126039 (Sub-No. 17), filed March 29, 1972. Applicant: MORGAN TRANSPORTATION SYSTEM, INC., INTL. U.S. 6 and 15, New Paris, Ind. 46553. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter and materials, supplies, and equipment*, used or useful in the maintenance and operation of printing houses (except commodities in bulk, in tank vehicles), between Warsaw, Ind., on the one hand, and, on the other, points in Ohio and Kentucky, except Louisville. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126276 (Sub-No. 64), filed March 27, 1972. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, IL 60463. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Non-Ferrous scrap metals*, between points in Minnesota, Nebraska, Kansas, Oklahoma, Texas, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Michigan, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Ohio, Maine, New Hampshire, Vermont, New York, Pennsylvania, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, West Virginia, Virginia, North Carolina, South Carolina, Georgia, and Florida, under contract with Diversified Metals.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126539 (Sub-No. 9), filed March 17, 1972. Applicant: KATUIN BROS., INC., 102 Terminal Street, Dubuque, Iowa 52001. Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, Iowa 52001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soy products*, from Gladbrook and Marshalltown, Iowa, to points in Illinois, Kansas, Minnesota, Missouri, and Wisconsin. NOTE: Applicant also holds contract carrier authority, under MC 129135 and subs, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines or Cedar Rapids, Iowa.

No. MC 126555 (Sub-No. 15), filed March 27, 1972. Applicant: UNIVERSAL TRANSPORT INC., Box 268, Rapid City, S.D. 57701, Mail Post Office Box 100, Newcastle, WY. Applicant's representative: Stockton and Lewis, The 1650 Grant Street Building, Denver, CO 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite*, in bulk, in tank vehicles, from Colony, Wyo., to Definance, Ohio. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, St. Paul, Minn., or Chicago, Ill.

No. MC 127042 (Sub-No. 94), filed March 27, 1972. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 98, Leeds Station, Sioux City, IA 51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by Wilson Certified Foods, Inc., at or near Marshall, Mo., to points in Colorado, Idaho, Montana, Oregon, Utah, and Washington, restricted to traffic originating at above origin and destined to the above named destination States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Kansas City, Mo.

No. MC 128320 (Sub-No. 5), filed March 27, 1972. Applicant: ART QUIRING, Coin, Iowa 51636. Applicant's representative: Charles J. Kimball, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionaries and related advertising, packaging and display, equipment, supplies and materials*, from Davenport, Iowa, to points in Idaho, Washington, Oregon, California, Texas, Florida, and Georgia, under contract with Lusk Candy Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Davenport, Iowa, or Chicago, Ill.

No. MC 128633 (Sub-No. 8), filed March 25, 1972. Applicant: LAUREL HILL TRUCKING COMPANY, a corporation, 614 New County Road, Secaucus, NJ. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Copper cakes and scrap copper*, between Carteret, N.J., Perth Amboy, N.J., and Seymour, Conn., under continuing contract with Cities Service Co. NOTE: Applicant holds common carrier authority under MC 128058 Sub 3, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 129600 (Sub-No. 6), filed March 27, 1972. Applicant: POLAR TRANSPORT, INC., 27 York Avenue, Randolph, MA 02368. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and restaurant supplies* (except in bulk), (a) from Watertown, Mass., to Los Angeles, Calif., Miami, Fla., Atlanta and East Point, Ga., Chicago, Ill., Arlington, Dallas, and Houston, Tex., and points in Connecticut, Maine, Maryland, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, and Vermont; and (b) from New York, N.Y., to Watertown, Mass., and *returned and rejected shipments* of the above-described commodities, from the above-named respective destination points to the above-named respective origin point, and *pallets*, between Watertown, Mass., and Los Angeles, Calif., Miami, Fla., Atlanta and East Point, Ga., Chicago, Ill., Arlington, Dallas, and Houston, Tex., and points in Connecticut, Maine, Maryland, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, and Vermont, under a continuing contract, or contracts, with Howard Johnson Co., of New York, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 129659 (Sub-No. 5), filed March 31, 1972. Applicant: T–P STORAGE AND LEASING, INC., 4 Colonial Terrace, Pompton Plains, NJ 07444. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel pipe, piling, railway track accessories, bridge and highway railing, piledrivers, pile extractors, and parts and materials thereof*, between points in New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia, under contract with L. B. Foster Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 129973 (Sub-No. 6), filed March 23, 1972. Applicant: FIELD MARKETING SERVICES, INC., 825 Third Avenue, New York, NY 10022, Mailing: 466 Lexington Avenue, 10017. Applicant's representative: William J. Lippman, 1819 H Street NW., Suite 960, Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Books, educational materials, equipment, and supplies*, for the account of Encyclopaedia Britannica, between points in New Jersey on the one hand, and, on the other, points in Nassau, Suffolk, and Westchester Counties, N.Y., under contract with Encyclopaedia Britannica. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 133337 (Sub-No. 3), filed March 22, 1972. Applicant: B & H TRANSPORT COMPANY, a corporation, 2125 Commercial Street, Waterloo, IA 50702. Applicant's representative: Allen E. Kroblin, Box 5000, Waterloo, IA 50704. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lard-talo, and shortening, and blends thereof*, in bulk, from Waterloo and Columbus Junction, Iowa, to Austin and Albert Lea, Minn., and Omaha, Nebr., restricted to shipments originating at the plantsite and facilities of the Rath Packing Co. NOTE: Applicant states that no duplicating authority is being sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Washington, D.C.

No. MC 133780 (Sub-No. 3), filed March 27, 1972. Applicant: WILLIAM A. SPARGER, 16501 South Crawford Avenue, Markham, IL 60477. Applicant's representative: Robert W. Loser, 1001 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, dip-n-dressing, fruit juices, and yogurt*, from the plantsite and storage facilities of Sealtest Foods Division of Kraftco Corp., at Milwaukee, Wis., to points in Cook County, Ill., under continuing contract or contracts with Sealtest Foods Division of Kraftco Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 133977 (Sub-No. 10), filed March 27, 1972. Applicant: GENE'S INC., 302 Maple Lane, Arcanum, OH 45304. Applicant's representative: Paul F. Berry, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a

common carrier, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, in vehicles equipped with mechanical refrigeration (except in bulk, in tank vehicles), from Washington Court House, Ohio, to points in Kansas, Oklahoma, Texas, Nebraska, Arkansas, Colorado, and Utah; and (2) *returned, rejected, and damaged shipments*, of the above-specified commodities, from the above-specified destination points to Washington Court House, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 134449 (Sub-No. 4), filed March 20, 1972. Applicant: LESTER V. MOZNIK, 3753 Grandview Highway, Burnaby, BC, Canada. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle, WA 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Kitchen cabinets, counter tops, and parts thereof*, from ports of entry on the international boundary line between the United States and Canada at or near Blaine and Sumas, Wash., to points in California (except those in Alameda, San Francisco, Contra Costa, Marin, San Mateo, Santa Cruz, Santa Clara, Sonoma, and Solano Counties, Calif.), Las Vegas and Reno, Nev., and Phoenix, Ariz., under contract with Crestwood Kitchens, Ltd. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 134548 (Sub-No. 3), filed March 9, 1972. Applicant: ZENITH TRANSPORT LTD., 2040 Alpha Avenue, Burnaby 2, BC, Canada. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper felt products* in rolls, from the port of entry on the international boundary line between the United States and Canada at or near Blaine, Wash., to the plantsite of Nicolet of California, Inc., Hollister, Calif. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 134645 (Sub-No. 3), filed March 27, 1972. Applicant: LIVESTOCK SERVICE, INC., 1413 Second Avenue South, Post Office Box 944, St. Cloud, MN 56301. Applicant's representative: Bruce E. Mitchell, Suite 1600, First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and of articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and storage facilities of Robel Beef Packers, Inc., at St. Cloud, Minn., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Michigan, Maryland, Massachusetts, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Tennessee, Vermont, Wisconsin, and the District of Columbia, restricted (a) against the transportation of commodities in bulk, and hides, and (b) to the transportation of shipments originating at the above-named plantsite and storage facilities. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of the instant application is to convert its existing contract authority issued in No. MC 124071 and No. MC 124071 (Sub-No. 4) to common carrier authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 135095 (Sub-No. 2), filed March 16, 1972. Applicant: SUDDATH OF SAVANNAH, INC., 5003 Liberty Parkway, Savannah, GA 31402. Applicant's representative: Lee Roy Anderson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods, unaccompanied baggage, and personal effects*, between points in Bryan, Bullock, Candler, Chatham, Effingham, Evans, Liberty, Long, Tattnall, and Tombs Counties, Ga., and is restricted to the transportation of traffic having a prior or subsequent movement in containers beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla., or Atlanta, Ga.

No. MC 135152 (Sub-No. 6), filed March 24, 1972. Applicant: CASKET DISTRIBUTORS, INC., Rural Route No. 2, Harrison, Ohio 45030. Applicant's representative: Jack B. Josselson, 700 Atlas Bank Building, Cincinnati, Ohio 45202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated caskets, casket displays, funeral supplies, and crated caskets*, in mixed loads with uncrated caskets, from Brookville, Ind., and Knoxville, Tenn., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135273 filed March 10, 1972. Applicant: HARRY B. DANIELS, doing business as DANIELS MOVING AND STORAGE COMPANY, 2325 North Sinton Road, Colorado Springs, CO 80907. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, CO 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods* restricted to the transportation of traffic having a prior or subsequent movement in containers and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, or decontainerization of such traffic, between points in El Paso, Pueblo, Teller, and Fremont Counties, Colo. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 135513 (Sub-No. 6), filed March 19, 1972. Applicant: ECHO TRUCKING COMPANY, a corporation, Post Office Drawer AY, Benson, AZ 85602. Applicant's representative: Earl H. Carroll, 363 North First Avenue, Phoenix, AZ 85003. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, and equipment* used or useful in mining, milling, and smelting operations, concentrates and copper cement, between points in Arizona and points in Grant and Hidalgo Counties, N. Mex., as a contract carrier for Phelps Dodge Corp. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Phoenix and Tucson, Ariz.; Silver City, N. Mex., or El Paso, Tex.

No. MC 135971 (Sub-No. 2), filed March 13, 1972. Applicant: LOGISTEC CORPORATION, 109 Dalhousie Street, Quebec City, PQ Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement in bulk*, from ports of entry on the international boundary line between Canada and the United States located in Maine, to points in Maine. NOTE: If a hearing is deemed necessary, applicant requests it be held at Concord, N.H.

No. MC 136008 (Sub-No. 3), filed March 29, 1972. Applicant: JOE BROWN COMPANY, INC., 20 Third Street NE., Post Office Box 1669, Ardmore, OK 73401. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, Post Office Box 75124, Oklahoma City, OK 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed gypsum rock*, in bulk, from the plantsite of Harrison Gypsum Co., near Cement, in Caddo County, Okla., to Fort Worth and Dallas, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Dallas, Tex.

No. MC 136013 (Sub-No. 1), filed March 27, 1972. Applicant: BAKERSFIELD EXPRESS, INC., 719 Union Street, Montebello, CA 90640. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, from Oildale, Calif., to points in Arizona, Idaho, Nevada, and Utah, under contract with Mobile Chemical Co., Plastics Division. NOTE: Common control and dual

operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 136089 (Sub-No. 2), filed March 10, 1972. Applicant: WILLIAM W. WILLIAMS, 507 Cline Avenue, Port Orchard, WA 98366. Applicant's representative: George Kargianis, 2120 Pacific Building, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning and chemical compounds*, in containers, from Barberton, Ohio, to points in Washington and Oregon, under contract with Malco Products, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 136254 (Sub-No. 1), filed March 24, 1972. Applicant: HOWARD SMITH AND GENEVA SMITH, a partnership, doing business as ARIZONA MOBILE HOME MOVERS, 3140 North Oracle Road, Tucson, AZ 85705. Applicant's representative: Hugh M. Caldwell, Jr., Suite 801, 4400 East Broadway, Tucson, AZ 85711. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes*, from Hidalgo County, N. Mex., to points in Arizona. NOTE: If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Dallas, or Lubbock, Tex., or Tucson, Ariz.

No. MC 136296 (Sub-No. 1), filed March 16, 1972. Applicant: ROBBINS TRANSPORT, INC., 105 College Street, Post Office Box 37, Auburn, KY 42206. Applicant's representative: John M. Nader, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Flour, corn meal, pet foods, animal feeds, canned meat, canned meat sauces, and unprocessed grain* (except in bulk, in tank or hopper type vehicles), from Auburn, Ky., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, and points in all States east thereof; (2) *pet foods, canned meat, and canned meat sauces*, from Springfield and Nashville, Tenn., and New Albany, Ind., to Auburn, Ky.; (3) *flour*, from Orlinda and Memphis, Tenn., to Auburn, Ky.; and (4) *materials and supplies* (except commodities in bulk), used in the manufacture, sale, and distribution of flour and corn meal, from points in New York, Ohio, Tennessee, Illinois, and Indiana, to Auburn, Ky., restricted to a transportation service to be performed under contract with Auburn Roller Mills, Auburn, Ky., and Buhler Mills, Inc., Memphis, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 136522 (Sub-No. 1), filed March 24, 1972. Applicant: SUPERMARKET WAREHOUSING COMPANY, a corporation, Post Office Box 44, New Brunswick, NJ 08903. Applicant's representative: Maxwell A. Howell, 1100 Investment Building, 1511 K Street NW., Washington, DC 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Molded pulp egg cartons, plates, dishes, and trays*, from the warehouse of Supermarket Warehousing Co. at or near New Brunswick, N.J., to points in the New York, N.Y., commercial zone and points in Nassau, Suffolk, and Westchester Counties, N.Y., and Philadelphia, Pa., under a continuing contract, or contracts with Diamond International Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 136529, filed March 15, 1972. Applicant: MISSOURI BEEF EXPRESS, INC., 630 Amarillo Building, Amarillo, Tex. 79101. Applicant's representative: Donal L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (a) from the plantsite and storage facilities of or used by Missouri Beef Packers, Inc., at or near Boise, Idaho, to points in the United States (except Alaska and Hawaii); (b) from points in Illinois, Wisconsin, Minnesota, Iowa, Nebraska, Missouri, Kansas, Texas, Colorado, North Dakota, South Dakota, Washington, Oregon, and California, to the plantsite and storage facilities of or used by Missouri Beef Packers, Inc., at or near Boise, Idaho; and (2) *such commodities as are used by meatpackers in the conduct of their business* when destined to and for use by meatpackers, including *machinery, equipment, and supplies*, from points in the United States (except Alaska and Hawaii), to the plantsite and storage facilities of or used by Missouri Beef Packers, Inc., at or near Boise, Idaho. All transportation service hereunder is to be performed under a continuing contract, or contracts, with Missouri Beef Packers, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 136530, filed March 16, 1972. Applicant: NORBET TRUCKING CORP., 100 Nassau Terminal Road, New Hyde Park, NY 11040. Applicant's representative: E. Stephen Heisley, 705 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, coated and uncoated, and *materials, equipment, and supplies* (except commodities in bulk) used in the manufacture, distribution, and production of iron and steel articles, between New Hyde Park, N.Y., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, Ohio, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia. Restrictions: (1) The above authority is restricted to traffic originating at or destined to the facilities of American Strip Steel, Inc., at New Hyde Park, N.Y., and (2) the above authority is restricted to the transportation of traffic moving under continuing contract or contracts with American Strip Steel, Inc., New Hyde Park, N.Y. NOTE: The applicant states that the applicant is commonly controlled with the shipper and the purpose of this application is to substitute the commonly controlled contract carrier for private carriage. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 136532, filed March 13, 1972. Applicant: LOYD SIMPSON, doing business as LOYD SIMPSON TRUCKING, 125 Houston Street, Durant, OK 74701. Applicant's representative: Jenese Simpson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nursery pots and sleeves*, from Leominster, Mass.; Newark, N.J.; and Troup, Tex.; and points in Florida to San Francisco, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 136548 (Sub-No. 1), filed March 27, 1972. Applicant: G. M. S. TRUCKING CORPORATION, 246–17 57 Drive Douglaston, NY 11362. Applicant's representative: Norman J. Bergman, 11 West 42d Street, New York, NY 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Textiles and yarn*, between the New York, N.Y., commercial zone, Hicksville and Bay Shore, N.Y., on the one hand, and on the other, Linden, N.J., under contract with Widder Bros. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 136570, filed March 20, 1972. Applicant: BARNETT BROS., INC., Post Office Box 532, Henderson, KY 42420. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast and prestressed concrete products*, from the plantsite of Nelson Concrete Products, Inc., at or near Centralia, Ill., to points in Missouri, Indiana, Kentucky, Ohio, Tennessee, and Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill., Evansville, Ind., or Louisville, Ky.

No. MC 136571, filed March 27, 1972. Applicant: HAROLD H. TRICE, 2700 Lyle, Waco, TX 76708. Applicant's representative: John E. McKelvey, 109 North Main Street, Electra, TX 76360. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passenger automobiles and pickups*, in secondary movement, from points in the continental United States (excluding Alaska and Hawaii) to Killeen, Bell County, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Dallas, or Waco, Tex., or Oklahoma City, Okla.

No. MC 136574, filed March 31, 1972. Applicant: B & P REFRIGERATED LINES, INC., 301 East Greenwood, La Habra, CA 90631. Applicant's representative: Walter T. Evans, 615 Perpetual Building, 1111 E Street NW., Washington, DC 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food, food products, and food preparations* (except commodities in bulk, frozen foods, canned goods, meats, meat products, and meat byproducts) in hermetically sealed containers in vehicles equipped with mechanical refrigeration from the plantsites and warehouse facilities of Avoset Food Corp. at (1) Gustine, Calif., to points in Alabama, Arkansas, Arizona, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylavania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and (2) Washington Court House, Ohio, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, George, Illinois, Indiana, Iowa, Kentucky, Kansas, Maine, Maryland, Massachusetts, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to shipments originating at the plantsites and warehouse facilities of Avoset Food Corp. at Gustine, Calif., and Washington Court House, Ohio, and to a transportation service to be performed under a continuing contract or contracts with Avoset Food Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 136585, filed March 23, 1972. Applicant: BUD COFER, 4102 Creekside Avenue, Toledo, OH 43612. Applicant's representative: Earl N. Merwin, 85 East Gay Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hides*, between points in Lucas County, Ohio, on the one hand, and, on the other, points in Connecticut, Georgia, Kentucky, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin, under contract with A. Mindel & Son, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 136597, filed March 27, 1972. Applicant: WEST KENTUCKY MOTOR EXPRESS, INC., 112 North Sequoia Drive, Springfield, TN 37172. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, classes A and B explosives, commodities in bulk, those of unusual value and those requiring special equipment), (1) between Nashville, Tenn., and Paducah, Ky., from Nashville, over U.S. Highway 41–A to Hopkinsville, Ky., thence over Kentucky Highway 91 to Princeton, Ky., thence over U.S. Highway 62 to Paducah, Ky., and return over the same route, serving all intermediate points in Kentucky west of the Tennessee River, but excluding service at any point in Indiana; (2) between Clarksville, Tenn., and Paducah, Ky., from Clarksville over U.S. Highway 79 to junction with Tennessee Highway 119, thence over Tennessee Highway 119 to the Tennessee-Kentucky State line, thence over Kentucky Highway 121 to Mayfield, Ky., thence over U.S. Highway 45 to Paducah, Ky., and return over the same route, serving all intermediate points in Kentucky, and serving Clarksville, Tenn., for joinder only, and excluding service at any point in Indiana; (3) between Murray, Ky., and Calvert City, Ky., from Murray over Kentucky Highway 641 to junction with U.S. Highway 68, thence over U.S. Highway 68 to junction with Kentucky Highway 95, thence over Kentucky Highway 95 to Calvert City, Ky., and return over same route, serving all intermediate points; (4) between Hopkinsville, Ky., and Hardin, Ky., from Hopkinsville over U.S. Highway 68 to junction with Kentucky Highway 80, thence over Kentucky Highway 80 to Hardin, Ky., and return over the same route, serving no intermediate points, and serving Hopkinsville for joinder only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Paducah, Ky.

No. MC 136598, filed March 25, 1972. Applicant: TRANSPORT EDDY VEILLEUX LTEE., 760 Salaberry Street, Ville de Laval, PQ, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber products*, from the ports of entry on the international boundary between the United States and Canada located at or near Champlain, N.Y., Highgate Springs, and Derby Line, Vt., to points in New York, Vermont, Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New Jersey, Pennsylvania, Ohio, and Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Montpelier, Vt., or Albany, N.Y.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Sub-No. 176), filed March 23, 1972. Applicant: GREYHOUND LINES, INC., 1400 West Third Street, Cleveland, OH 44113. Applicant's representative: Barrett Elkins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (A) *Regular routes: Passengers and their baggage and express and newspapers* in the same vehicle with passengers, (1) between Cincinnati, Ohio, and Richmond, Ind., serving all intermediate points: From Cincinnati, Ohio, over U.S. Highway 127 to Hamilton, Ohio, thence over Ohio Highway 129 to its junction with U.S. Highway 27 at Millville, Ohio, thence over U.S. Highway 27 to Richmond, Ind., and return over the same route; (2) between specified points in Maine as alternate route for operating convenience only serving no intermediate points as follows: (a) From the junction of U.S. Highway 1 and Maine Highway 109 over Maine Highway 109 to the junction of Interstate Highway 95 (Maine Turnpike—Interchange No. 2) and return over the same route; (b) from the junction of U.S. Highway 1 and Maine Highway 35 over Maine Highway 35 to the junction of Interstate Highway 95 (Maine Turnpike—Interchange No. 3) and return over the same route; and (c) from the junction of U.S. Highway 1 and Maine Highway 111 over Maine Highway 111 to the junction of Interstate Highway 95 (Maine Turnpike—Interchange No. 4) and return over the same route; and (3) over Interstate Highway 270 (Columbus, Ohio, Circumferential Highway), in its entirety, encompassing Columbus, Ohio, constructed for bypass purposes, with the right of access and egress to and from all interchanges on Interstate Highway 270 to and from all authorized routes to and through Columbus, Ohio as an alternate route for operating convenience only, and (B) *irregular routes: Passengers and their baggage*, in one-way and round-trip charter operations, originating at points on Route 1 described in Item A above and extending to points in the United States, including Alaska, but excluding Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio.

No. MC 111504 (Sub-No. 9), filed March 15, 1972. Applicant: STARR TRANSIT CO., INC., 2531 East State St. Extension, Trenton, NJ 08619. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round-trip sightseeing and pleasure tours, (1) beginning and ending at points in Bucks County, Pa., on and east of Pennsylvania Highway 263 and on and south of U.S. Highway 202 (except Langhorne, Pa., and points within 3 miles of Philadelphia, Pa.) and extending to points in the United States (including Alaska but excluding points in Hawaii, Connecticut, Delaware, Florida, Louisiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia, and (2) beginning and ending at points in Mercer County, N.J., and extending to points in the United States (including Alaska

but excluding points in Hawaii, New York, Delaware, Maryland, Virginia, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, Florida, and the District of Columbia. NOTE: Applicant states it seeks no duplicating authority and will accept a restriction to that effect. By the instant application, it merely seeks to enlarge the destination territory it now serves in special operations, in round-trip sightseeing and pleasure tours, from the same origin areas it is now authorized to serve. It is also an authorized contract carrier operating under MC 129525 and subs. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Trenton, N.J.

No. MC 115116 (Sub-No. 24), filed March 16, 1972. Applicant: SUBURBAN TRANSIT CORP., 750 Somerset Street, New Brunswick, NJ 08901. Applicant's representative: Michael J. Marzano, 17 Academy Street, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between Trenton, N.J., and Hightstown, N.J.; from Trenton, N.J., over New Jersey Highway 33 to its junction with County Highway 526 in Washington Township, N.J., thence over County Highway 526 to its junction with County Highway 539 in Allentown, N.J., thence over County Highway 539 to Hightstown, N.J., and return over the same route, serving all intermediate points. NOTE: Applicant states it proposes to provide service to and from New York, N.Y., by joining the proposed route with its existing authorized routes. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 125021 (Sub-No. 2), filed February 28, 1972. Applicant: BOISE-WINNEMUCCA STATES, INC., 1105 La Pointe, Boise, ID 83705. Applicant's representative: Shirley Achabal (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, aliens, from Malheur, Baker County, Oreg., and points below the Salmon River to points in California under contract with U.S. Department of Immigration and Naturalization. NOTE: Applicant presently holds common carrier passenger operations under MC 52334. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 129646 (Sub-No. 5), filed April 3, 1972. Applicant: SEAWAY COACH LINES, INC., 28 North Perry Square, Erie, PA 16501. Applicant's representative: S. Harrison Kahn, 733 Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special operations, in round trip sightseeing and pleasure tours, beginning and ending at points in Erie County, Pa., and extending to points in the United States, including Alaska (but excluding Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Erie, Pa.

No. MC 136424 (Sub-No. 1), filed February 23, 1972. Applicant: SIDNEY NICHOLAS AND EVELYN P. NICHOLAS a partnership, doing business as LANDTREK, 2557 Laurel Pass, Los Angeles, CA 90046. Applicant's representative: (John R. Simon), Cox, Castle, Nicholson, and Weekes, 1800 Century Park East, Suite 200, Los Angeles, CA 90067. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special operations, beginning and ending in Los Angeles, Calif., and extending to points in the United States (including Alaska, but excluding Hawaii). NOTE: Applicant states the operation proposes low cost camping treks, with applicant supplying all necessary camping equipment. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, San Francisco, San Diego, or Sacramento, Calif.

APPLICATION FOR WATER CARRIER

No. W-630 (Sub-No. 38) (Correction), A. L. MECHLING BARGE LINES INC. Extension—COASTWISE, filed March 30, 1972, published in the FEDERAL REGISTER issue of April 21, 1972, and republished in part as corrected this issue. Applicant: A. L. MECHLING BARGE LINES, INC., 51 North Desplaines Street, Joliet, IL 60431. Applicant's representative: S. S. Eisen, 370 Lexington Avenue, New York, NY 10017. NOTE: The purpose of this partial republication is to show the correct origin as Atlantic Coast in lieu of "Atlanta Coast", which was erroneously published. The rest of the application remains as previously published.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 107515 (Sub-No. 798), filed March 27, 1972. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles distributed by meat packinghouses* as described in section C of appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 when transported in the same vehicle and at the same time with meats, meat products, and meat byproducts (now authorized), from the plantsite of Oscar Mayer & Co. at Madison, Wis., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee, restricted to traffic originating at and destined to the points named. NOTE: Dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority.

APPLICATION FOR A POSTAL CERTIFICATE

Interstate Commerce Commission, No. MC-137014 (Notice of Filing an Application for a Postal Certificate of Public Convenience and Necessity), filed January 18, 1972. Applicant: DEWITT TRANSFER AND STORAGE COMPANY, a California corporation, 6060 North Figueroa Street, Los Angeles, CA 90042. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. By application filed January 18, 1972, applicant seeks a Postal Certificate of Public Convenience and Necessity to transport *Mail* between the following points: (1) Los Angeles, Calif., Las Vegas, Nev., and Salt Lake City, Utah; (2) Phoenix, Ariz., Yuma, Ariz., and Indio, Calif., and Los Angeles, Calif.; (3) Los Angeles, Calif., and Pasadena, Calif.; (4) Los Angeles, Long Beach, Wilmington, San Pedro, Harbor City, Lakewood, Paramount, Bellflower, Lomita, and Artesia, Calif.; (5) Los Angeles, Calif., and San Bernardino, Calif.; (6) Oakland, San Jose, Salinas, San Luis Obispo, Santa Maria, Ventura, and Los Angeles, Calif.; (7) Paramount, Los Angeles, and Van Nuys, Calif. Appended to the application are copies of seven postal contracts held by applicant which are apparently in effect on July 1, 1971, the critical "grandfather" date: Route No. 90090 relating to service between Los Angeles (TA), Calif., to Salt Lake City (Annex), Utah; Route No. 85221 (formerly route No. 85241) relating to service between Phoenix and Los Angeles (Calif.), Cheli Term; Route No. 90027 relating to service between Los Angeles and Pasadena; Route No. 90710 relating to service between Los Angeles, Long Beach, Lomita, and Artesia; Route No. 90026 relating to service between Los Angeles and San Bernardino; Route No. 907RJ relating to service at Paramount, Calif.; Route No. 94522 relating to service between the Oakland Post Office and Los Angeles (Cheli), and Contract No. 1015 relating to temporary mail messenger service from Paramount, Calif., to Van Nuys, Cheli Term., and Los Angeles. Applicant holds motor carrier authority in No. MC-93734 and states that applicant's president is sole owner of Short's Van & Storage, No. MC-135593 TA.

Any interested person desiring to oppose the application may file with this Commission, an original and one copy of his written representations, views, or arguments in opposition to the application within 30 days from the date of this publication in the FEDERAL REGISTER. A copy of each such pleading should be served upon applicant's representative.

By the Commission.

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

[FR Doc.72-6360 Filed 4-26-72;8:45 am]

[Notice 56]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 19, 1972.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2153 (Sub-No. 44 TA), filed March 30, 1972. Applicant: MIDWEST MOTOR EXPRESS, INC., Box 1058, 1205 Front Avenue, Bismarck, ND 58501. Applicant's representative: F. J. Smith, Suite 221, MDU Office Building, Bismarck, N. Dak. 58501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk and commodities requiring special equipment), from (1) Beach, N. Dak., to Glendive, Mont., serving the intermediate point of Wibaux, Mont., over U.S. Highway No. 10 and I-94; (2) Wilton, N. Dak., to Mercer, N. Dak., and North Dakota Highway No. 41; thence to Bowdon, N. Dak., over North Dakota Highway No. 7, serving the intermediate points of McClusky, Denhoff, Goodrich, Hurdsfield, and Chaseley, N. Dak.; (3) Hurdsfield, N. Dak., to Steele, N. Dak., over North Dakota Highways Nos. 7 and 3, serving the intermediate point of Tuttle, and return over the same routes, for 180 days. NOTE: Tacking said routes, and return routes to existing operating authorities under MC-2153 and subs. Supported by: There are approximately 118 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 2340, Fargo, N. Dak. 58102.

No. MC 19778 (Sub-No. 79 TA), filed March 31, 1972. Applicant: MILWAUKEE MOTOR TRANSPORTATION COMPANY, 516 West Jackson Boulevard, Room 508, Chicago IL 60606. Applicant's representative: R. H. Tietz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities unsafe for highway transportation), (1) between Harlowton, Bozeman, Miles City, and Three Forks, Mont., on the one hand, and, on the other, Billings, Mont.; (a) from Harlowton, Mont., over U.S. Highway 12 to junction of U.S. Highway 12 and Montana Highway 3, thence over Montana Highway 3 to Billings, Mont., and return over the same route; (b) from Three Forks, Mont., over Interstate Highway 90, and U.S. Highway 10 to Bozeman, Mont., thence over Interstate Highway 90 and U.S. Highway 10 to Billings, Mont., and return over the same route; and (c) from Miles City, Mont., over Interstate Highway 94 and U.S. Highway 10 to Billings, Mont., and return over the same route, for 120 days. Supporting shipper: G. H. Kronberg, Vice President, Traffic, Chicago, Milwaukee, St. Paul & Pacific Railroad Co., 516 West Jackson Boulevard, Chicago, IL 60606. Send protests to: District Supervisor Wm. J. Gray, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 113908 (Sub-No. 224 TA), filed March 31, 1972. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, Box 31880, Springfield, MO 65804. Applicant's representative: LeRoy Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Choline chloride*, in bulk, in tank vehicles, from Kansas City, Kans., to Soso, Miss., Gainesville, Ga., and Danville, Ark., for 180 days. Supporting shipper: Thompson-Hayward Chemical Co., 5200 Speaker Road, Kansas City, KS 66110. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 118142 (Sub-No. 46 TA), filed March 30, 1972. Applicant: M. BRUENGER & CO., INC., 6330 North Broadway, Wichita, KS 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt with in wholesale, retail, and chain grocery and food business houses and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, between points within a 100-mile radius of Wichita, Kans., on the one hand, and on the other, Denver, Colo.; Chicago and Peoria, Ill.; Fort Wayne and Indianapolis, Ind.; Des Moines, Iowa; New Orleans, La.; Minneapolis, Minn.; Kansas City and St. Louis, Mo.; Omaha, Nebr.; Fargo, N. Dak.; Oklahoma City and Tulsa, Okla.; Memphis, Tenn.; Dallas, Fort Worth, and Houston, Tex.; and Milwaukee, Wis.; for 180 days. Supporting shipper: Consolidated American Industries, Inc., 622 East Third Street, Wichita, KS 67202. Send protests to: Interstate Commerce Commission, M. E. Taylor, District Supervisor, 501 Petroleum Building, Bureau of Operations, Wichita, Kans. 67202.

No. MC 119422 (Sub-No. 52 TA), filed April 3, 1972. Applicant: EE-JAY MOTOR TRANSPORT, 15th and Lincoln, East St. Louis, Ill. 62204. Applicant's representative: Ernest A. Brooks II, 1301–02 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyethylene plastic granules*, in bulk, in tank vehicles, from East St. Louis, Ill., to points in Kansas, Iowa, Nebraska, Missouri, Indiana, Ohio, Tennessee, and Kentucky, restricted to shipments having a prior movement by rail, for 150 days. Supporting shipper: John J. Noone, Manager, Domestic Traffic, Celanese Corp., 245 Park Avenue, New York, NY 10017. Send protests to: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 325 West Adams Street, Room 476, Springfield, IL 62704.

No. MC 119489 (Sub-No. 26 TA), filed March 31, 1972. Applicant: PAUL ABLER, doing business as CENTRAL TRANSPORT COMPANY, Post Office Box 249, Norfolk, NE 68701. Applicant's representative: L. Agnew Myers, Jr., 1122 Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and fertilizers*, from North Bend, Randolph, and Wakefield, Nebr., to points in Iowa, Kansas, Minnesota, Missouri, and South Dakota, for 150 days. Supporting shipper: Terra Chemicals International, Inc., Post Office Box 1828, Sioux City, IA 51101. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 119493 (Sub-No. 92 TA), filed March 31, 1972. Applicant: MONKEM COMPANY, INC., West 20th Street Road, Post Office Box 1196, Joplin, MO 64801. Applicant's representative: Ray F. Kempt (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Weed killing compounds* (herbicides) in containers, from Military, Kans., to points in North

[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.

Dakota, for 180 days. Supporting shipper: Gulf Oil Co., U.S. Post Office Box 2100, Houston, TX 77001. Send protests to: John V. Barry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 124383 (Sub-No. 11 TA), filed April 4, 1972. Applicant: STAR LINE TRUCKING CORPORATION, 18460 West Lincoln Avenue, New Berlin, WI 53151. Applicant's representative: Frank M. Coyne, 1 West Main Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed lime* in bulk, from Eden and Knowles, Wis., to Chicago, Ill., and Gary and Burns Harbor, Ind., for 180 days. Supporting shipper: Western Lime and Cement Co., 125 East Wells Street, Milwaukee, WI 53202 (V. F. Nast III, Vice President). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 124735 (Sub-No. 14 TA), filed March 30, 1972. Applicant: R. C. KERCHEVAL, JR., 2201 Sixth Avenue, South, Seattle, WA 98134. Applicant's representative: Joseph O. Earp, 411 Lyon Building, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts of mobile homes and utility trailers, automotive springs, suspensions and parts thereof, brake drums, brake assemblies and parts thereof, tailgate hoists and parts thereof, wheels and wheel attaching parts, and parts for motor vehicle chassis and motor vehicle undercarriage*, from Detroit, Wyandotte, Romulus, Jackson, and Lansing, Mich.; Elkhart, Mishawaka, and Winnemac, Ind.; Cleveland and Akron, Ohio; Rockford, Quincy, Chicago, Ridge, and Mundelien, Ill.; Tonawanda, N.Y.; Des Moines and Armstrong, Iowa; and Newton, Kans., to Boise, Idaho, and Salt Lake City, Utah, under a continuing contract with Henderson Rim and Wheel, of Salt Lake City, Utah, for 180 days. Supporting shipper: Henderson Rim and Wheel, 1825 South Second West, Salt Lake City, UT 84115. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No MC 136279 (Sub-No. 3 TA), filed March 24, 1972. Applicant: J. H. WARE, Post Office Box 398, Fulton, MO 65251. Applicant's representative: Dale E. Sporteder, Central Trust Building, Jefferson City, Mo. 65101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meat*, in carcasses and part carcasses and boxed meat, restricted to traffic originating at the plantsite and/or warehouse of Dugdale Packing Co., St. Joseph, Mo., to points in Illinois, Indiana, Virginia, South Carolina, Massachusetts, and New Hampshire, for 180 days. Supporting shipper: Dugdale Packing Co., Post Office Box 697, St. Joseph, MO 64502. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 136476 (Sub-No. 1 TA), filed March 30, 1972. Applicant: TRANSPORT WEST, INC., 2115 Birchwood, Eugene, OR 97401. Applicant's representative: Gene E. Cook (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *60-foot reinforcing steel*, from McMinnville, Oreg., to San Jose, Calif., for 180 days. Supporting shipper: Cascade Steel Rolling Mills, Inc., Post Office Box 687, 3200 North Highway 99W, McMinnville, OR 97128. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 136564 TA, filed March 30, 1972. Applicant: SHIPPERS LEASING, INC., 870 North First Street, San Jose, CA 95112. Applicant's representative: Martin J. Rosen, 140 Montgomery Street, San Francisco, CA 94104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Office supplies, equipment, accessories, and related articles* manufactured by Globe-Weis Systems Co., other than furniture, from Wauseon, Ohio, to Fresno, Calif., with intermediate points at Springfield, Ill., Springfield, Mo., Oklahoma City, Okla., Austin, Tex., Albuquerque, N. Mex., Phoenix, Ariz., Los Angeles, Calif., St. Louis, and Kansas City, Mo., Denver, Colo., Salt Lake City, Utah; Reno, Nev., Sacramento, Stockton, San Francisco and San Jose, Calif., Chicago, Ill., Des Moines, Iowa; Lincoln, Nebr., Cheyenne, Wyo., Boise, Idaho; Olympia and Seattle, Wash., Portland and Auburn, Oreg., and Redding, Calif.; and (2) *office supplies, equipment and accessories*, other than furniture, from Fresno, Calif., to Wauseon, Ohio, with intermediate points at Reno, Nev., Salt Lake City, Utah; Denver, Colo., Omaha, Nebr., Chicago, Ill., Cheyenne, Wyo., Grand Island and Lincoln, Nebr., Kansas City, Mo., Indianapolis, Ind., Los Angeles, Calif., Phoenix, Ariz., Albuquerque, N. Mex., Amarillo, Tex., Oklahoma City, Okla., and Springfield, Ill., for 180 days. Supporting shipper: Globe-Weis Systems Co., Sheller-Globe Corp., Wauseon, Ohio. Send protests to: Claud W. Reeves, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

No. MC 136567 TA, filed March 30, 1972. Applicant: McGRATH INTRASTATE TRUCKING, INC., Rural Delivery 1, Box 169, Medford, NJ 08055. Applicant's representative: Raymond A. Thistle, Jr., Suite 1012, Four Penn Center Plaza, Philadelphia, PA 19103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious to or contaminating of other lading), from the warehouse of Willis Warehousing Co., in Moorestown Township, Burlington County, N.J., to points in Fairfield, Middlesex, and New Haven Counties, Conn., Delaware, Maryland, New York, Pennsylvania, and the District of Columbia, *and return of pallets* used to transport said commodities, under a continuing contract or contracts with Willis Warehousing Co., for 180 days. Supporting shipper: Willis Warehousing Co., 550 Glen Avenue, Moorestown, NJ 08057. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 136568 TA, filed March 31, 1972. Applicant: MISSISSIPPI MOVING & STORAGE COMPANY, 5570 North McRaven Road, Jackson, MS. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, and *unaccompanied baggage and personal effects*, between Jackson and Meridian, Miss., on the one hand, and, on the other, points in Clarke, Copiah, Hinds, Issaquena, Jasper, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Rankin, Scott, Sharkey, Simpson, Smith, Warren, and Yazoo Counties, Miss., and Choctaw, Greene, Hale, Marengo, and Sumter Counties, Ala., restricted to the transportation of traffic having a prior or subsequent movement in containers, except as to unaccompanied baggage and personal effects, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shipper: Department of the Army, Office of the Judge Advocate General, Washington, D.C. 20310. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 136576 (Sub-No. 1 TA), filed April 4, 1972. Applicant: ARMSTRONG TRANSFER & STORAGE COMPANY, INC., 6500 South Washington Street, Box 1860, Amarillo, TX 79105. Applicant's representative: Boyce Cairnes (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, material, and supplies, including tools* used in construction and maintenance of telephone system and communication, between Amarillo, Tex., and points in the counties of Dallam, Sherman, Hansford, Ochiltree, Lipscomb, Hartley, Moore, Hutchinson, Roberts, Hemphill, Oldham, Potter, Carson, Gray, Wheeler, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Parmer, Castro, Swisher, and Briscoe, Tex., for 180 days.

Supporting shipper: D. L. Hansen, Resident Transportation Manager, Western Electric, 1111 Woods Mill Road, Ballwin, MO 63011. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395 Herring Plaza, Amarillo, TX 79101.

By the Commission.

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

[FR Doc.72-6366 Filed 4-26-72;8:45 am]

[Notice 57]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 20, 1972.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2900 (Sub-No. 223 TA), filed April 5, 1972. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Post Office Box 2408, Jacksonville, FL 32203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of the United Gas Pipe Line Co., located near Erath, La., as an off-route point in connection with existing regular routes between Houston, Tex., and New Orleans, La., for 180 days. Supporting shipper: United Gas Pipe Line Co., Shreveport, La. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 30144 (Sub-No. 5 TA), filed April 7, 1972. Applicant: GEORGE W. JEWETT & SON, INC., Route No. 5, Cornish, East Baldwin, ME 04020. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, in vehicles equipped with mechanical refrigeration, between the plantsite of H. P. Hood & Sons at Agawam, Mass., on the one hand, and, on the other, at Newport, Maine, under a continuing contract or contracts with H. P. Hood & Sons, of Portland, Maine, for 180 days. Supporting shipper: H. P. Hood & Sons, 349 Park Avenue, Portland, ME 04104. Send protests to: District Supervisor Donald G. Weiler, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Post Office Box 167, PSS, Portland, ME 04112.

No. MC 30944 (Sub-No. 398 TA), filed April 5, 1972. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Post Office Box 5000, Waterloo, IA 50704. Applicant's representative: Paul Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from New Hampton, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Kitchens of Sara Lee, 500 Waukegan Road, Deerfield, IL 60015. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 36556 (Sub-No. 25 TA), filed April 3, 1972. Applicant: BLACKMON TRUCKING, INC., Post Office Box 186, 1111 120th Avenue, Somers, WI 53171. Applicant's representative: Earle Munger, Schwartz Building, 520 58th Street, Kenosha, WI 53140. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, in containers; and advertising material and commodities* for the sale and distribution of said beverages, from the plantsite of Falstaff Brewing Corp., from Fort Wayne, Ind., to the warehouse of C. J. Wavro & Son, Inc., Kenosha, Wis., *and empty containers and pallets on return*, for 180 days. Supporting shipper: C. J. Wavro & Son, Inc., 3637 30th Avenue, Kenosha, WI 53140 (Robert W. Wavro, vice president). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 52556 (Sub-No. 11 TA), filed April 5, 1972. Applicant: G. KAY, INC., Post Office Box 18, Fairmont, NE 68354. Applicant's representative: William Boren (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bags and in bulk, from Fairmont, Nebr., to Downs and Stockton, Kans., for 180 days. Supporting shipper: G. L. Hadley, Regional Traffic Manager, West Central Region, Morton Salt Co., 6175 Paseo, Kansas City, MO 64110. Send protests to: Max H. Johnston, District Supervisor, Bureau of Operations, 320 Federal Building and Court House, Lincoln, Nebr. 68508.

No. MC 64932 (Sub-No. 504 TA), filed March 30, 1972. Applicant: ROGERS CARTAGE CO., 1439 West 103d Street, Chicago, IL 60643. Applicant's representative: William F. Farrell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refined coal tar*, in bulk, in tank vehicles, from the plantsite of Allied Chemical Co., Ironton, Ohio, to Mercury, Nev., for 180 days. Supporting shipper: H. Melchin, Distribution Analyst, Semet Solvay Division, Allied Chemical Corp., Post Office Box 1013, Morristown, NJ 07960. Send protests to: District Supervisor Robert G. Anderson, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 80428 (Sub-No. 79 TA), filed March 30, 1972. Applicant: McBRIDE TRANSPORTATION, INC., Post Office Box 430, 289 West Main Street, Goshen, NY 10924. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, NY 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in mechanically refrigerated vehicles, from Newburgh, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Delaware, Florida, Georgia, Maryland, New York, North Carolina, Pennsylvania, South Carolina, and Virginia, for 180 days. Supporting shipper: Avoset Foods Corp., 162 South Robinson Avenue, Newburgh, NY. Send protests to: Robert A. Radler, Officer-in-Charge, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Albany, N.Y. 12207.

No. MC 101474 (Sub-No. 19 TA), filed April 10, 1972. Applicant: RED TOP TRUCKING COMPANY, INCORPORATED, 7020 Cline Avenue, Hammond, IN 46323. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt mix storage tanks, and parts thereof*, from Kansas City, Mo., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Haven Steel Co., Kansas City, Mo. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

[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.

No. MC 103993 (Sub-No. 707 TA), filed April 10, 1972. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, from points in Granville County, N.C., to points in Minnesota and Louisiana and points in the United States east of the Mississippi River, for 180 days. Supporting shipper: C. O. Smith Ind., Oxford, N.C. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 107295 (Sub-No. 610 TA), filed April 7, 1972. Applicant: PRE-FAB TRANSIT COMPANY, 100 South Main Street, Post Office Box 146, Farmer City, IL 61842. Applicant's representative: Bruce J. Kinnee (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and pipe fittings, couplings, connections, and accessories*, except iron and steel pipe (except commodities which because of size or weight require the use of special equipment), from Springfield, Ill., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, and North Dakota, for 180 days. Supporting shipper: Charles W. Hall, Assistant Director-Transportation, Armco Steel Corp., Middletown, Ohio 45042. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 325 West Adams Street, Room 476, Springfield, IL 62704.

No. MC 107295 (Sub-No. 611 TA), filed April 7, 1972. Applicant: PRE-FAB TRANSIT COMPANY, Post Office Box 146, 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Bruce J. Kinnee (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mortar cement, carpet and linoleum adhesives, waterproofing, and cleaning compounds*, from Houston, Tex., to points in Alabama, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Ohio, South Carolina, and Tennessee, for 180 days. Supporting shipper: E. W. Humphrey, Director of Operations, C. E. Kaiser Co., Houston, Tex. 77008. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 325 West Adams Street, Room 476, Springfield, IL 62704.

No. MC 108188 (Sub-No. 13 TA), filed April 3, 1972. Applicant: ROLLO TRUCKING CORPORATION, INC., 295 Broadway, Keyport, NJ 07735. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral oil*, in tank vehicles, from Perth Amboy, N.J., to Jefferson City, Mo., and Worcester, Mass., for 180 days. Supporting shipper: Chesebrough-Pond's Inc., John Street, Clinton, Conn. 06413. Send protests to: Richard M. Regan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 108207 (Sub-No. 343 TA), filed April 3, 1972. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Post Office Box 5888, Dallas, TX 75222. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Ames, Iowa, to points in the Kansas City, Kans., and Kansas City, Mo., commercial zone; and St. Joseph and Springfield, Mo., for 180 days. NOTE: Carrier does not intend to tack authority. Supporting shippers: Pronto Food Kitchens, Inc., Post Office Box 723, Ames, IA 50010; Carriage House Meat & Provision Co., Inc., 1131 Dayton Road, Ames, IA 50010. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 108676 (Sub-No. 43 TA), filed March 30, 1972. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue NE., Knoxville, TN 37917. Applicant's representative: A. A. Metler (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass*, from the plantsite of Ford Motor Co., Nashville Glass Plant, Nashville, Tenn., to points in Minnesota, Iowa, Missouri, Oklahoma, Texas, and all States east thereof, for 180 days. Supporting shippers: ASG Industries, Inc., Kingsport, Tenn.; Nashville Glass Plant, Ford Motor Co., Nashville, Tenn. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803–1808 West End Building, Nashville, Tenn. 37203.

No. MC 111302 (Sub-No. 68 TA), filed April 5, 1972. Applicant: HIGHWAY TRANSPORT, INC., Post Office Box 10470, 1500 Amherst Road 37921, Knoxville, TN 37919. Applicant's representative: George W. Clapp, Post Office Box 10188, Greenville, SC 29603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt cake* (crude sulphate of soda), in bulk, from Port Rayon, Tenn., to Westover, Ga., for 180 days. Supporting shipper: Beaunit Corp. 2020 Remount Road, Gastonia, NC 28052. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803–1808 West End Building, Nashville, Tenn. 37203.

No. MC 113362 (Sub-No. 234 TA), filed April 7, 1972. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Applicant's representative: Milton D. Adams, 1105½–8th Avenue NE., Austin, MN 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from New Hampton, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Kitchens of Sara Lee, 500 Waukegan Road, Deerfield, IL 60015. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 114533 (Sub-No. 251 TA), filed April 6, 1972. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, IL 60632. Applicant's representative: Stanley Komosa (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobile parts, accessories and supplies*, between St. Louis, Mo., on the one hand, and, on the other, points in Illinois lying in those counties on and south of the northern boundaries of Adams, Brown, Cass, Menard, Logan, De Witt, Piatt, Champaign, and Vermilion; and points in Indiana lying in those counties on and west of the eastern boundaries of the counties of Parke, Clay, Greene, Martin, Dubois, and Perry. Restricted to shipments weighing not more than 100 pounds, for 180 days. Supporting shipper: American Motors Sales Corp., 1101 Research Boulevard, St. Louis, MO 63132. Send protests to: District Supervisor Robert G. Anderson, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 115654 (Sub-No. 17 TA), filed April 5, 1972. Applicant: TENNESSEE CARTAGE CO., INC., Post Office Box 1193, 809 Ewing Avenue, Nashville, TN 37202. Applicant's representative: Steven George (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery, confectionery products, chocolates and related chocolate items, and advertising and promotional materials* moving in conjunction with said commodities from Cincinnati, Ohio to points in Bath, Bell, Boyle, Breathitt, Carter, Casey, Clark, Clay, Elliott, Estill, Floyd, Garrard, Harlan, Jackson, Jessamine, Johnson, Knott, Laurel, Lawrence, Leslie, Lee, Letcher, Lincoln, McCreary, Madison, Magoffin, Martin, Menifee, Mercer, Montgomery, Morgan, Owsley, Pike, Perry, Powell, Pulaski, Rockcastle, Rowan, Russell, Wayne, Whitley, Wolfe, and Woodford Counties, Ky., for 180 days. Supporting shippers: M&M Mars, Hackettstown, N.J.; Hollywood Brands, A Consolidated Foods Co., Centralia, Ill., Hershey Foods Corp., Hershey, Pa., and Peter Paul, Inc., Frankfort, Ind. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803–1808 West End Building, Nashville, Tenn. 37203.

No. MC 133450 (Sub-No. 2 TA), filed March 30, 1972. Applicant: CLARK COUNTY WHOLESALE MERCANTILE COMPANY, 512 South Main Street, Las Vegas, NV 89101. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone, gypsum plaster, gypsum lath, and gypsum wallboard*, in interstate or foreign commerce, from points in Clark County, Nev., to points in San Diego, San Luis Obispo, Santa Barbara, and Ventura Counties, Calif., for 180 days. Supporting shippers: Building Products Group, Gypsum Products Division, 1650 South Alameda Street, Los Angeles, CA 90054; The Flintkote Co., U.S. Lime Division, 2244 Beverly Boulevard, Los Angeles, CA 90057. Send protests to: District Supervisor Wm. E. Murphy, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

No. MC 133470 (Sub-No. 15 TA), filed April 6, 1972. Applicant: S. J. DURRANCE COMPANY, INC., Room 207, Administration Building, State Farmers Market, Forest Park, Ga. 30050. Applicant's representative: Guy H. Postell, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Pizzas* when moving in the same vehicle with frozen seafood, frozen hush puppies, frozen onion rings, and frozen seafood dinners, or either of such commodities, except commodities in bulk, between the plantsites and warehouse facilities of Sea Pak, Division of W. R. Grace and Co. in Glynn and Chatham Counties, Ga., and the facilities of the Georgia State Docks at Brunswick and Savannah, Ga., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to the transportation of traffic originating at and destined to the plantsites and warehouse facilities of Sea Pak, Division of W. R. Grace and Co. and at the facilities of the Georgia State Docks at Brunswick and Savannah, Ga. Applicant presently holds authority under its Sub No. 1 grant to transport the above-described commodities throughout the territory described with the exception of pizzas and this application merely seeks to transport pizzas for the supporting shipper along with the other commodities which applicant is now authorized to transport for the same shipper. In addition, this application seeks a portion of the authority sought in applicant's Sub No. 4 application which is now unopposed and pending disposition by the Commission, for 180 days. Supporting shipper: Sea Pak, Division of W. R. Grace and Co., Glynn and Chatham Counties, Ga. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 134387 (Sub-No. 12 TA), filed March 31, 1972. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Avenue, South Gate, CA 90280. Applicant's representative: Warren N. Grossman, 825 City National Bank Building, 606 South Olive Street, Los Angeles, CA 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass containers*, from points in Los Angeles and Alameda Counties, Calif., to points in Washoe County, Nev., for 180 days. Supporting shipper: Brockway Glass Co. Inc., 8717 G Street, Oakland, CA. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 135200 (Sub-No, 3 TA), filed April 6, 1972. Applicant: W. H. SAPP AND HILTON SAPP, doing business as, SAPP BROS. TRUCKING CO., Tifton Highway, R.F.D. 1, Box 135–A, Barney, GA 31625. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus pulp and citrus pulp pellets*, in bulk, in other than tank vehicles, from points in Florida to points in Georgia, for 180 days. Supporting shipper: I. S. Joseph Co., Inc., Flour Exchange Building, Minneapolis, Minn. 55413. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 135218 (Sub-No. 1 TA), filed April 4, 1972. Applicant: MONTI MOVING & STORAGE, INC., 209 MacDougal Street, Brooklyn, NY 11233. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, NY 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in New Jersey and those points in New York which are south of Greene, Delaware, and Columbia, but not including those three counties, that is, the counties that are included are Sullivan, Ulster, Duchess, Putnam, Orange, Rockland, Westchester, New York County, Bronx, Kings, Queens, Nassau, Suffolk, and Richmond. Restriction: The service herein is restricted to the transportation of traffic and further restricted to the performance of the pickup and delivery services in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic, for 180 days. Supporting shipper: Cartwright Van Lines, Inc., 4411 East 119th Street, Grandview, MO 64030. Send protests to: Marvin Kampel, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 135845 (Sub-No. 2 TA), filed March 30, 1972. Applicant: CATER, INC., 920 Holiday Drive, Moorhead, MN 56560. Applicant's representative: Gene P. Johnson, 514 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup solids and dextrose*, from Keokuk and Clinton, Iowa, to points in Washington, Oregon, Idaho, Montana, Wyoming, North Dakota, South Dakota, and Minnesota, for 180 days. Supporting shipper: Clark O. Orth Co., Box 129, Moorhead, MN 56560. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, N. Dak. 58102.

No. MC 136464 (Sub-No. 1 TA) (Correction), filed March 20, 1972, published in the FEDERAL REGISTER, issue of April 4, 1972, corrected and republished in part as corrected this issue. Applicant: CAROLINA WESTERN EXPRESS, INC., 650 Eastwood Drive, Gastonia, NC 28052. Applicant's representative: Philip R. Hedrick, Eighth Floor, City National Bank Building, Charlotte, NC 28202. NOTE: The purpose of this partial republication is to include the origin and the destination points, from Stanley, N.C., La Grange, Ga., and Morton, Miss., to points in California, which was inadvertently omitted in previous publication. The rest of the application remains the same.

No. MC 136534 TA, filed March 30, 1972. Applicant: RICHARD L. CLAPP, doing business as CMC FURNITURE TRANSPORT COMPANY, Post Office Box 10103, 611 Gaston Street, Raleigh, NC 27603. Applicant's representative: Richard L. Clapp (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Catawba County, N.C., to all points in Eastern Tennessee, north, south, and east of Davidson County, including Davidson County, to points in California, Utah, New Mexico, Nevada, Texas, and Arizona, for 180 days. Supporting shippers: Gordon's Inc., Johnson City, Tenn.; Gaines Manufacturing Co., Inc., Dresden, Tenn.; Athens Table Co., Inc., Post Office Box 190, Athens, TN 37303; McEwen's, 17–21 West State Street, Redlands, CA 92373; Carolina Tables, Inc., Post Office Box 2446, Hickory, NC 26601. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 26896, Raleigh, NC 27611.

No. MC 136566 TA, filed March 30, 1972. Applicant: COMMERCIAL TRANSPORT & CONSTRUCTION INC., Route 2, Box 277A, Monroe, WA 98272. Applicant's representative: Ruth L. Frantz, Post Office Box 378, Monroe, WA. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed, fertilizer, and building materials*, from Monroe and Kenmore, Wash., to points in Washington, Oregon, California, Idaho, and Montana, for 180 days. Suporting shippers: Olympic Forest Products, Inc., Post Office Box 382, Kenmore, WA 98028; Wolfkill Feed and Fertilizer Corp., Post

Office Box 126, Monroe, WA 98272. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 136569 TA, filed March 30, 1972. Applicant: H. CARROLL VAN HOVE, Buffalo Center, Iowa 50424. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Resin, gun roving, catalyst, and gelcote*, from Minneapolis, Minn., to Buffalo Center, Iowa for 180 days. Supporting shipper: Shafar Industries, Inc., Buffalo Center, Iowa 50424. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 136574 (Sub-No. 1 TA), filed April 7, 1972. Applicant: B & P REFRIGERATED LINES, INC., 301 East Greenwood, La Habra, CA 90631. Applicant's representative: Walter T. Evans, 615 Perpetual Building, Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food, food products, and food preparations* (except commodities in bulk, frozen foods, canned goods, meats, meat products, and meat byproducts) in hermetically sealed containers in vehicles equipped with mechanical refrigeration, from the plantsites and warehouse facilities of Avoset Food Corp. at (1) Gustine, Calif., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin; and (2) Washington Court House, Ohio, to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Kansas, Maine, Massachusetts, Louisiana, Michigan, Minnesota, Maryland, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. Restriction: This application is restricted to shipments originating at the plantsites and warehouse facilities of Avoset Food Corp. at Gustine, Calif., and Washington Court House, Ohio, to a transportation service to be performed under a continuing contract or contracts with Avoset Food Corp., for 180 days. Supporting shipper: Avoset Food Corp., 80 Grand Avenue, Oakland, CA. Send protests to: Philip Yallowitz, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 136590 TA, filed April 7, 1972. Applicant: MOUNTAINEER TRUCK LINE, INC., Post Office Box 727, Darien, GA 31305. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Materials and supplies* used in the manufacture of shoes, and component parts of shoes and boots, from points in the continental United States to Darien, Ga.; and (2) *shoes and boots*, from Darien, Ga., to points in the continental United States, for 180 days. Supporting shipper: Atlanta Delta Corp., Post Office Box 727, Darien, GA 31305. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

By the Commission.

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

[FR Doc.72-6367 Filed 4-26-72;8:45 am]

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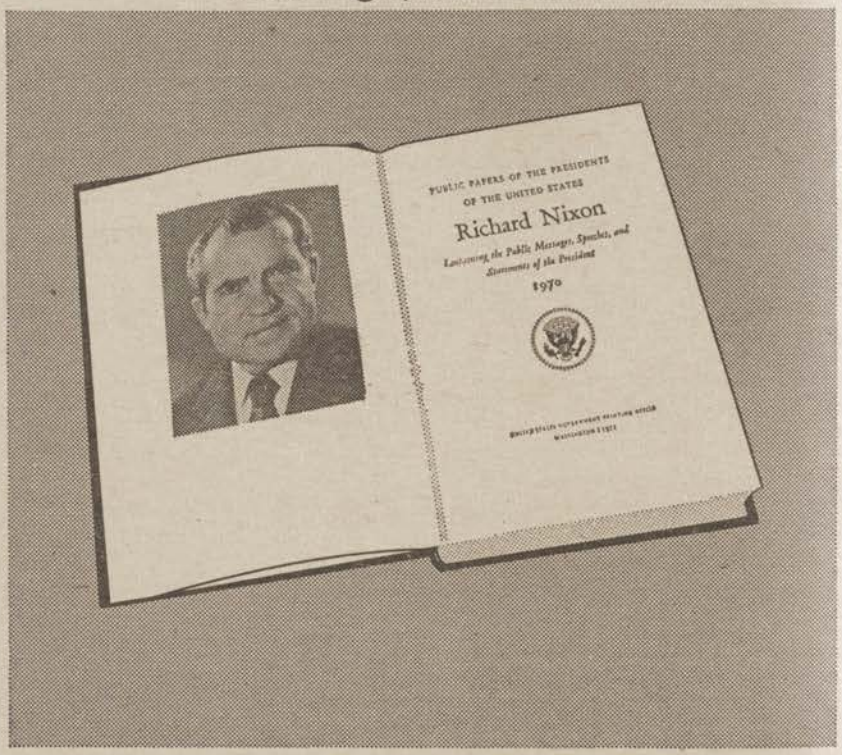

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