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## PART I

(Part II begins on page 9535)

## HIGHLIGHTS OF THIS ISSUE

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



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# List of CFR Parts Affected

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

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

# Presidential Documents

## Title 3—The President

PROCLAMATION 4132

## National Arthritis Month

*By the President of the United States of America*

### A Proclamation

Striking young and old indiscriminately, arthritis today afflicts more than 18 million Americans. In its most crippling form, rheumatoid arthritis, it affects some 5 million people, 250,000 of whom are children.

Arthritic diseases, including rheumatoid arthritis and osteoarthritis, each year cause unemployment equal to full-time idleness for about a quarter of a million persons. The total cost to individuals and the Nation is estimated at $4 billion annually, but the sum total of human suffering is beyond calculation.

Too few persons realize that arthritis is among America's most crippling diseases.

Each year, as medical science advances through private and governmental medical research and education, thousands of people receive improved treatment and live more comfortable, more productive, and more satisfying lives. Other thousands, however, remain sentenced to lives of continuing pain and disability from arthritis.

In recognition of the need to alleviate, through research and treatment, the human suffering as well as the economic toll caused by arthritis, the Congress, in House Joint Resolution 1029, requested the President to issue a proclamation designating the month of May of 1972 as National Arthritis Month.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim the month of May 1972 as National Arthritis Month. I invite the Governors of the States, the Commonwealth of Puerto Rico, and officials of other areas subject to the jurisdiction of the United States to issue similar proclamations.

Further, I urge medical professionals, citizens groups, and the American people to unite during the month of May in public affirmation of this Nation's efforts to control arthritic diseases.

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

Richard Nixon

[FR Doc.72-7332 Filed 5-10-72;12:23 pm]

# Rules and Regulations

## Title 6—ECONOMIC STABILIZATION

### Chapter I—Cost of Living Council

### PART 101—COVERAGE, EXEMPTIONS AND CLASSIFICATIONS OF ECONOMIC UNITS

#### Definitions

Part 101—Coverage, Exemptions and Classifications of Economic Units was added to a new Title 6 of a new Chapter 1 of the Code of Federal Regulations on November 13, 1971 (36 F.R. 21788). Part 101 was amended and republished on January 27, 1972 (37 F.R. 1237), and further amended on February 4, 1972 (37 F.R. 2678), February 24, 1972 (37 F.R. 3913), March 9, 1972 (37 F.R. 5043), March 18, 1972 (37 F.R. 5700), March 31, 1972 (37 F.R. 6827), April 17, 1972 (37 F.R. 7795), and May 2, 1972 (37 F.R. 8939).

Subpart A is amended in § 101.2 to clarify the definition of firm. "Firm," as used in the Cost of Living Council regulations, includes any entity that is a part of, or directly or indirectly controlled by, the firm, and any person shall be considered to control any firm which is directly or indirectly controlled by such person or certain members of his family.

Section 101.51 of Subpart E is amended by adding a paragraph (d) to define "local government" for the purposes of the small business exemption. The definition of local government includes incorporated municipalities, counties, towns, and townships, and those school districts and special districts which meet the criteria used by the U.S. Bureau of the Census in classifying local governmental units.

Because the purpose of this regulation is to amend and modify Part 101 to provide immediate guidance and information as to Cost of Living Council decisions, the Council finds that publication in accordance with usual rule making procedures is impracticable and that good cause exists for making this regulation effective in less than 30 days.

Interested persons may submit written comments regarding the above amendments. Communications should be addressed to the Office of General Counsel, Cost of Living Council, New Executive Office Building, Washington, D.C. 20507.

This amendment shall become effective when filed with the Office of the Federal Register.

DONALD RUMSFELD,
*Director,*
*Cost of Living Council.*

Part 101 of Chapter 1 of Title 6 of the Code of Federal Regulations is amended as follows:

1. The definition of "Firm" in Subpart A is revised and amended in § 101.2 to read as follows:

**§ 101.2 Definitions.**

* * * * *

"Firm" means any person, corporation, association, estate, partnership, trust, joint-venture, or sole proprietorship or any other entity however organized including charitable, educational, or other eleemosynary institutions, and the Federal and State and local governments. For purposes of this definition, a firm includes any entity listed in the preceding sentence that is part of or is directly or indirectly controlled by the firm. A person will be deemed to control any firm which is controlled directly or indirectly by such person, his spouse, children, grandchildren, or parents.

* * * * *

2. Subpart E is amended in § 101.51 to add a paragraph (d) to read as follows:

**§ 101.51 Exemption of firms with 60 or fewer employees.**

* * * * *

(d) Definition—local government.

"Local government" includes any town, village, city, or similar entity which was incorporated by authority of the State and which has and exercises local legislative powers, and any county, town, township, or similar entity which is a subdivision of the State or county and which possesses and exercises some powers of local self-government; any school district which is an independent governmental unit and any special district classified as an independent governmental unit created for the sole purpose of performing one or more municipal functions. An "independent governmental unit" is one which meets the criteria for classifying governmental units used by the Department of Commerce, U.S. Bureau of the Census, in the 1967 Census of Governments, "Governmental Organizations," beginning at p. 13.

[FR Doc.72-7157 Filed 5-8-72;10:41 am]

## Title 32—NATIONAL DEFENSE

### Chapter I—Office of the Secretary of Defense

#### SUBCHAPTER M—MISCELLANEOUS

### PART 211—DEPARTMENT OF DEFENSE FOREIGN TAX RELIEF PROGRAM

#### Questionable Payment of Taxes to Other Governments

The following amendment to Part 211 has been approved: The last sentence of § 211.9(b) has been amended and should read as follows:

**§ 211.9 GAO Report to the Congress on the Questionable Payment of Taxes to Other Governments on U.S. Defense Activities Overseas, January 20, 1970 (B-133267).**

* * * * *

(b) * * *. DECOFT shall continue in existence until June 30, 1973, or until completion of its mission, whichever is earlier.

* * * * *

MAURICE W. ROCHE,
*Director, Correspondence and Directives Division OASD (Comptroller).*

[FR Doc.72-7177 Filed 5-10-72;8:49 am]

## Title 7—AGRICULTURE

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

#### SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946

### GRADING AND INSPECTION STANDARDS FOR DOMESTIC RABBITS, EGG PRODUCTS, SHELL EGGS, AND POULTRY

Under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), the U.S. Department of Agriculture hereby amends the regulations governing the grading and inspection of domestic rabbits and edible products thereof and U.S. specifications for classes, standards, and grades with respect thereto (7 CFR Part 54), the regulations governing the voluntary inspection and grading of egg products (7 CFR Part 55), the regulations governing the grading of shell eggs and U.S. standards, grades, and weight classes for shell eggs (7 CFR Part 56), and the regulations governing the grading and inspection of poultry and edible products thereof and U.S. classes, standards, and grades with respect thereto (7 CFR Part 70) as set forth below:

STATEMENT OF CONSIDERATIONS

Presently, the Department adds a 2 percent charge of any amounts remaining unpaid after 30 days from the date of billing for resident service for the voluntary grading programs for rabbits, egg products, shell eggs, and poultry. Such charge is not less than $5. It has not proven administratively feasible under the new data processing system to use this provision. The Department has other avenues available to assure the

timely payment of bills such as advance payment. Therefore, the amendments delete the provisions for bills not paid by 30 days after the date of billing.

When a slight change was made in the grade standards for U.S. Grade AA eggs and was published in the FEDERAL REGISTER on Friday, May 28, 1971 (36 F.R. 9765), several references in the shell egg regulations (Part 56) were inadvertently not updated to reflect the change. The amendments correct this oversight and also change an incorrect reference to the figures in § 56.36.

The amendments are as follows:

## PART 54—GRADING AND INSPECTION OF DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF; AND U.S. SPECIFICATIONS FOR CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

As to Part 54:

§ 54.108 [Amended]

In paragraph (a) of § 54.108 the last two sentences are deleted.

## PART 55—VOLUNTARY INSPECTION AND GRADING OF EGG PRODUCTS

As to Part 55:

§ 55.560 [Amended]

In paragraph (a) of § 55.560 the last two sentences are deleted.

## PART 56—GRADING OF SHELL EGGS AND U.S. STANDARDS, GRADES, AND WEIGHT CLASSES FOR SHELL EGGS

As to Part 56:

1. In § 56.42, the title and paragraph (b) (10) are amended to read:

**§ 56.42 Requirements for eggs packaged under Fresh Fancy Quality grade mark or AA grade mark as shown in Figures 4 and 5 of § 56.36.**

* * * * *

(b) *Minimum requirements at packaging plants.* * * *

(10) Graders shall examine samples of packaged product in accordance with the provisions of § 56.4 or as determined by the National Supervisor. A tolerance of 15 percent is permitted in eggs that are of B quality with respect to shell. Within the 15 percent tolerance, 5 percent in any combination may be C quality due to shell or meat or blood spots and checks. Dirties, leakers, and loss are not permitted.

§ 56.52 [Amended]

2. In paragraph (a) of § 56.52, the last two sentences are deleted.

§ 56.54 [Amended]

3. In paragraph (a) of § 56.54, the last two sentences are deleted.

§ 56.217 [Amended]

4. In Table II of § 56.217, lines 2 and 3 in the column "Case—minimum quality" are amended to read "A or B" and "C or Check," respectively and lines 2 and 3 in the column "Carton—minimum quality—number of eggs (origin and destination)" are amended to read: "2 eggs A or B," and "2 eggs C or Check," respectively.

## PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF AND UNITED STATES CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

As to Part 70:

§ 70.137 [Amended]

1. In paragraph (a) of § 70.137 the last two sentences are deleted.

§ 70.138 [Amended]

2. In paragraph (a) of § 70.138 the last two sentences are deleted.

The amendments relieve users of the voluntary grading programs for rabbits, egg products, shell eggs, and poultry from paying a charge for late payment of bills and correct an oversight in bringing references up to date. It does not appear that public rule making would result in the Department receiving additional information on any of the changes. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice of rule making and other public procedure on the amendments are impracticable and unnecessary, and good cause is found for making said amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 8th day of May 1972, to become effective on the date published in the FEDERAL REGISTER (5–11–72).

G. R. GRANGE,
*Acting Administrator.*

[FR Doc.72–7204 Filed 5–10–72;8:51 am]

## Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 37]

## PART 401—FEDERAL CROP INSURANCE

### Subpart—Regulations for the 1969 and Succeeding Crop Years

IRRIGATED ACREAGE INSURANCE

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1973 crop year in the following respect:

Section 4 of the policy shown in § 401.111 is amended to read as follows:

4. *Irrigated acreage.* Where insurance is provided on an irrigated practice, the insured shall report as irrigated acreage only the acreage for which he has facilities and water to carry out a good irrigation practice.

Any reduction in production due to failure to carry out a good irrigation practice, unless due to failure of the water supply from an unavoidable cause occurring after planting, shall be production lost due to an uninsured cause. The failure or breakdown of irrigation equipment or facilities shall not be considered as a "failure of the water supply from an unavoidable cause."

Insurance shall not attach on any irrigated acreage planted to an insured crop the first year after a major leveling operation has been carried out, as determined by the Corporation.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Since the foregoing amendment merely clarifies section 4 of the policy as presently written and makes no substantive change therein, the Board of Directors found that it would be unnecessary to follow the procedure for notice and public participation prescribed by 5 U.S.C. 553 (b) and (c), as directed by the Secretary of Agriculture in a Statement of Policy, executed July 20, 1971 (36 F.R. 13804), prior to its adoption. Accordingly, said amendment was adopted by the Board of Directors on May 3, 1972.

[SEAL] LLOYD E. JONES,
*Secretary, Federal Crop Insurance Corporation.*

Approved on May 5, 1972.

EARL L. BUTZ,
*Secretary.*

[FR Doc.72–7209 Filed 5–10–72;8:52 am]

[Amdt. 4]

## PART 409—ARIZONA-DESERT VALLEY CITRUS CROP INSURANCE

### Subpart—Regulations for the 1967 and Succeeding Crop Years

1971 AND SUBSEQUENT CROP INSURANCE CONTRACT TERMS

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended in the following respects:

1. Section 409.22 of this chapter is amended effective beginning with the 1971 crop year to read as follows:

**§ 409.22 Application for insurance.**

Application for insurance may be submitted as provided in § 409.25 at the office for the county for the Corporation. The Corporation reserves the right to discontinue the taking of applications in any county upon its determination that the insurance risk involved is excessive prior to the closing date for the filing of applications. Such closing date shall be the September 30 immediately preceding the beginning of the crop year. The Corporation further reserves the right to reject any application or to exclude any definitely identified acreage for any crop year of the contract if upon inspection it deems the risk on such acreage is excessive. If any such acreage is to be excluded, the insured shall be notified of such exclusion before insurance attaches for the crop year for which the acreage is to be excluded. The Manager of the Corporation is authorized in any crop year to extend the closing date for acceptance of applications in any county by publishing a notice in the

FEDERAL REGISTER, upon his determination that no adverse selectivity will result during the period of such extension: *Provided, however,* That if adverse conditions should develop during such period the Corporation will immediately discontinue the acceptance of applications.

2. Section 6 of the application and policy shown in § 409.25 of this chapter is amended effective beginning with the 1971 crop year to read as follows:

6. *Insurance period.* For each crop year insurance shall attach on October 1, except that for the first crop year, if the application is submitted to the office for the county after September 30 and is accepted by the Corporation, insurance shall attach on the 10th day after the submission of the application, and as to any portion of the citrus crop shall cease upon harvest, or on January 31 for types I and II and on March 31 for types III, IV, V, and VI of the following calendar year, whichever occurs first.

3. Section 11 of the application and policy shown in § 409.25 of this chapter is amended effective beginning with the 1972 crop year to read as follows:

11. *Life of contract.* This contract is noncancellable the first crop year and shall continue in effect for each succeeding crop year until either the insured or the Corporation cancels the contract by giving written notice to the other by the July 31 immediately preceding the crop year for which the cancellation is to become effective. If, however, any acreage is excluded from insurance under the contract by the Corporation because of the risk involved after the July 15 immediately preceding the beginning of the crop year for which such exclusion is to become effective, the insured shall have the right to cancel the contract within 15 days after notice thereof is mailed to the insured by the Corporation. If the premium is not paid by the September 30 of the crop year in which the premium was earned, the contract shall terminate for nonpayment of premium effective beginning with the next crop year.

4. Section 12 of the application and policy shown in § 409.25 of this chapter is amended effective beginning with the 1972 crop year to read as follows:

12. *Contract changes.* After the first crop year the Corporation reserves the right to amend or change the terms of this contract from year to year. Any such amendment or change shall be mailed to the insured or made available at the office for the county by the July 15 immediately preceding the beginning of the crop year for which such amendment or change is to become effective. Acceptance of such amendment or change will be conclusive in the absence of any notice from the insured to cancel the contract as provided in section 11 hereof.

5. Section 22(d) of the application and policy shown in § 409.25 of this chapter is amended effective beginning with the 1971 crop year to read as follows:

(d) "Crop year" means the period beginning October 1 and extending through September 30 of the following calendar year and shall be designated by reference to the calendar year in which the insurance period begins.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Since items 1, 2, and 5 of the foregoing amendment are made effective beginning with the 1971 crop year in order to reform contracts in effect during that year in accordance with the opinion of the Deputy Comptroller General of the United States to the Secretary of Agriculture, dated March 29, 1972, and since items 3 and 4 of said amendment, which are made effective beginning with the 1972 crop year, are made necessary in subsequent years by items 1, 2, and 5, the Board of Directors found that it would be unnecessary to follow the procedure for notice and public participation prescribed by 5 U.S.C. 553 (b) and (c), as directed by the Secretary of Agriculture in a Statement of Policy, executed July 20, 1971 (36 F.R. 13804), prior to its adoption. Accordingly, said amendment was adopted by the Board of Directors on May 3, 1972.

[SEAL] LLOYD E. JONES,
*Secretary, Federal Crop Insurance Corporation.*

Approved on May 5, 1972.

EARL L. BUTZ,
*Secretary.*

[FR Doc.72-7210 Filed 5-10-72;8:52 am]

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

[Navel Orange Reg. 268]

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

### Limitation of Handling

**§ 907.568 Navel Orange Regulation 268.**

(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 Naval Orange Administrative Commitee, 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 compelted on or before the effective date hereof. Such committee meeting was held on May 9, 1972.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period May 12, 1972, through May 18, 1972, are hereby fixed as follows:

(i) District 1: 790,000 cartons.

(ii) District 2: 185,000 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: May 9, 1972.

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

[FR Doc.72-7319 Filed 5-10-72;11:18 am]

[Valencia Orange Reg. 391]

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

### Limitation of Handling

**§ 908.691 Valencia Orange Regulation 391.**

(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 May 9, 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 May 12, 1972, through May 18, 1972, are hereby fixed as follows:

(i) District 1: 44,180 cartons.

(ii) District 2: 128,587 cartons.

(iii) District 3: 250,000 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: May 10, 1972.

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

[FR Doc.72-7320 Filed 5-10-72;11:18 am]

# Title 9—ANIMALS AND ANIMAL PRODUCTS

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

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

## PART 71—GENERAL PROVISIONS

### Permitted Disinfectants and Change in Nomenclature

*Correction*

In F.R. Doc. 72-6652, appearing at page 8864, in the issue of Tuesday, May 2, 1972, in § 71.10(a)(5), in the fifth line, change the last word "any", to "may".

[Docket No. 72-519]

## PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

### Areas Quarantined

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

In § 76.2, paragraph (e)(1) relating to the State of Texas is amended to read:

(e) * * *

(1) *Texas.* That portion of the State of Texas comprised of all of Cameron, Fayette, Gonzales, Hidalgo, Lavaca, Moore, Starr, Webb, and Willacy Counties.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended; 37 F.R. 6327, 6505)

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

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

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

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

Done at Washington, D.C., this 5th day of May 1972.

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

[FR Doc.72-7169; Filed 5-10-72;8:48 am]

## Chapter III—Animal and Plant Health Inspection Service (Meat and Poultry Products Inspection), Department of Agriculture

SUBCHAPTER A—MANDATORY MEAT INSPECTION

SUBCHAPTER B—VOLUNTARY INSPECTION AND CERTIFICATION SERVICE

SUBCHAPTER D—HUMANE SLAUGHTER OF LIVESTOCK

## ORGANIZATIONAL CHANGES AND MISCELLANEOUS AMENDMENTS

Under the authority delegated in 37 F.R. 6327, 6505 the provisions in this chapter and respective parts as noted, are hereby amended, pursuant to the statutory authorities under which such provisions were issued:

1. All references to the name "officer in charge" are changed to "area supervisor" in the following: Table of contents to Part 307; section 307.5, heading and text; sections 309.2, 309.3, 309.7, 309.16, 314.3, and 314.9; paragraphs 309.13(b), 318.2(d), 327.7(a), 327.10(c), and 327.13(b); sections 309.17(a)(2) and 325.8(a)(2); sections 325.8(a)(1)(i) and 325.8(b)(1)(i).

2. In § 325.10(a) the phrase "officer in charge of the circuit" is changed to "area supervisor of the area."

3. The name "officers in charge" is changed to "area supervisors" in § 327.6(m).

4. All references to the name "officer in charge" are changed to "circuit supervisor" in the following places: *Provided*, That when the name "officer in charge" is preceded by the indefinite article "an," the word "an" shall be changed to "a.": Part 306, including the table of contents and section headings; Part 331; Part 355, except those references in § 355.34 paragraphs (a) and (b); sections 301.2, 305.4, 307.1, 307.2, 308.3, 309.1, 310.1, 310.2, 314.8, 314.11, 315.1, 317.6, 318.3, 318.15, and 327.5; sections 308.8(f), 318.2(c) and its footnote, 318.10(d), 318.11(i), and 327.C (b) and (c).

5. All references to the name "officer in charge" are changed to "inspector in charge," or plural usage thereof as the

case may be, in the following: Table of contents to Part 317; sections 317.5 the heading and text, 317.13, 320.7, and 327.11; sections 308.8(d), 309.17(b), 316.5(a), 316.10(b), 316.13(g), 317.4 (c) and (d), 318.8(b), 318.11(f), 322.1(b), 322.2(a), 327.14(c), 355.34(b), and in the third sentence of 322.2(c); section 318.10(c)(2)(vi).

6. The phrase "officer in charge or his assistant" is changed to "inspector in charge" in §§ 307.6(a) and 307.4 and 309.12.

7. All references to the names "officer in charge" or "veterinarian in charge" are changed to "veterinary medical officer" in §§ 309.13(a) and 311.1(a), and in § 310.9(e)(3).

8. Delete the phrase "through the officer in charge" in § 355.34(a).

9. Delete the phrase "by the officer in charge" in § 318.2(a).

10. Delete the phrase "officers in charge" in § 322.2(h), and in the first sentence of § 322.2(c).

11. The term "Agricultural" is changed to "Analytical" in § 319.700(a)(4) and in the footnote thereto.

12. Section 301.2 is amended by adding new paragraphs (lll), (mmm), and (nnn) thereto:

§ 301.2 **Definitions.**

* * * * *

(lll) *Area Supervisor.* The official in charge of an area.

(mmm) *Area.* One or more circuits under the supervision of an area supervisor.

(nnn) *Inspector in charge.* A designated program employee who is in charge of one or more official establishment within a circuit and is responsible to the circuit supervisor or his designee.

13. At the end of the first sentence in § 317.3(f), delete the phrase "Program employee designated by the officer in charge," and insert "inspector in charge" in lieu thereof.

14. In the first sentence of § 317.3(f)(1), delete the phrase "Program employee at the official establishment," and insert "inspector in charge" in lieu thereof.

15. All other references to "Program employee" are changed to "inspector in charge," and all references to "Program employee's" are changed to "inspector's in charge," in the following: Sections 317.3(h) and 317.3(j); section 317.3(f)(2); sections 317.3(f)(1)(ii), and 317.15(c)(2)(ii).

These amendments are either organizational in nature or merely editorial. They do not substantially affect any member of the public. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure concerning the amendments are impracticable and unnecessary, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER (5-11-72).

(Sec. 21, 34 Stat. 1260, as amended; 21 U.S.C. 621)

Done at Washington, D.C., on May 5, 1972.

RICHARD E. LYNG,
*Assistant Secretary.*

[FR Doc.72-6833 Filed 5-10-72;8:45 am]

# Title 14—AERONAUTICS AND SPACE

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

[Airspace Docket No. 72-SW-16]

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

### Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Guthrie, Okla., transition area.

On March 30, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 6498) stating the Federal Aviation Administration proposed to designate a transition area at Guthrie, Okla.

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 immediately, as hereinafter set forth.

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

GUTHRIE, OKLA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Guthrie Municipal Airport (latitude 35°50'30" N., longitude 97°25'00" W.) and within 3 miles each side of the 349° true bearing from the Guthrie RBN (latitude 35°51'04" N., longitude 97°25'10" W.) extending from the 5-mile-radius area to 10 miles north of the RBN.

(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 May 2, 1972.

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

[FR Doc.72-7133 Filed 5-10-72;8:46 am]

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[Airspace Docket No. 72-WA-27]

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

### Alteration of Control Zone and Transition Areas

The purpose of these amendments to F.R. Doc. 72-996 (37 F.R. 2002) is to correct the description of Fort Devens, Mass., CZ; Florida TA; Coshocton, Ohio, TA; Jefferson, Iowa, TA; and Ramey AFB, P.R., RBN reporting point.

On January 29, 1972, F.R. Doc. 72-996 consisting of a compilation of Parts 71, 73, and 75 of the Federal Aviation Regulations, was published as Part II of the FEDERAL REGISTER for that date. Subsequent to its publication, this document has been found to contain certain discrepancies. Corrective action is taken herein.

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

In consideration of the foregoing, F.R. Doc. 72-996 (37 F.R. 2002) is amended, effective upon publication in the FEDERAL REGISTER (5-11-72), as follows:

Section 71.171 (37 F.R. 2056) is amended as follows:

1. Fort Devens, Mass., CZ:

The last sentence is amended to read: "This control zone is effective from 0700 to 1900 hours, local time, Monday through Friday."

2. Coshocton, Ohio, is deleted.

Section 71.181 (37 F.R. 2143) is amended as follows:

1. Florida transition area:

In line nine of the description, the phrase "latitude 28°24'21" N., longitude 80°36'28" W." is deleted and the phrase "latitude 28°14'21" N., longitude 80°-36'28" W." is substituted therefor.

2. Jefferson, Iowa, transition area:

The phrase "east of the 152° and 132° bearing" is deleted and "east of the 152° and 332° bearing" is substituted therefor.

3. Coshocton, Ohio, transition area is added:

COSHOCTON, OHIO

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Richard Downing Airport (latitude 40°18'37" N., longitude 81°51'17" W.).

Section 71.207 (37 F.R. 2318) is amended as follows:

1. Ramey AFB, P.R., RBN is deleted.

(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 May 4, 1972.

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

[FR Doc.72-7134 Filed 5-10-72;8:46 am]

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[Airspace Docket No. 72-WE-6]

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

### Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is

to alter the Monterey, Calif., transition area.

The Monterey, Calif., transition area is based, in part, on the Navy Monterey TACAN and is described to include part of the high altitude holding pattern for the TACAN instrument approach to NALF Monterey. Since the TACAN facility was decommissioned on March 1, 1972, the airspace is no longer required. Therefore, action is taken herein to revoke that portion of the airspace predicated on the Navy Monterey TACAN.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 20, 1972, as hereinafter set forth.

In § 71.181 (36 F.R. 23795, 24988) (37 F.R. 2143) the Monterey, Calif., transition area is amended by deleting all after the phrase "on the southwest by V-27;"

(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 May 3, 1972.

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

[FR Doc.72-7135 Filed 5-10-72;8:46 am]

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[Airspace Docket No. 72-NW-14]

## PART 73—SPECIAL USE AIRSPACE

### Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to alter the designated altitudes of Yakima, Wash., Restricted Area R-6714.

Restricted Area R-6714 is presently designated from the surface to 38,000 feet MSL. The Department of the Army has advised that the airspace above 29,000 feet MSL is in excess to the U.S. Army requirements.

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

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER (5-11-72), as hereinafter set forth.

In § 73.67 (37 F.R. 2377) R-6714 is amended by deleting "Surface to 38,000 feet MSL" and substituting "Surface to 29,000 feet MSL" 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 May 4, 1972.

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

[FR Doc.72-7136 Filed 5-10-72;8:46 am]

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[Airspace Docket No. 71-GL-21]

## PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

### Designation of Area High Route

On January 27, 1972, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (37 F.R. 1250) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would designate area high route J991R from Minneapolis, Minn., to Greater Southwest, Tex.

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

The route alignment between Lawson, Mo., and Greater Southwest, Tex., as designated herein, is as much as 7 miles west of the route that was proposed in the notice. This was done to overlie the Tulsa, Okla., VORTAC so as to facilitate transition to/from the low altitude route structure at Tulsa. This minor change in alignment, which effects no substantive change, is incorporated in the amendment without publication of a supplemental notice of proposed rule making. However, any person that wishes to comment on this change may do so by writing to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 3166 Des Plaines Avenue, Des Plaines, IL 60018. Any such comment would be considered and could be the subject of subsequent rule making action.

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.

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

J991R MINNEAPOLIS, MINN., TO GREATER SOUTHWEST, TEX.

| Waypoint name | N. Lat./W. Long. | Reference facility |
|---|---|---|
| Minneapolis, Minn. | 45°08'45"/93°22'23" | Minneapolis, Minn. |
| Woolstock, Iowa | 42°34'21"/93°42'55" | Fort Dodge, Iowa. |
| Lawson, Mo | 39°30'13"/94°05'16" | Lamoni, Iowa. |
| Redfield, Mo | 37°53'19"/94°56'19" | Springfield, Mo. |
| Tulsa, Okla | 36°11'46"/95°47'16" | Oklahoma City, Okla. |
| Greater Southwest, Tex. | 32°49'10"/97°02'28" | Greater Southwest, Tex. |

(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 May 3, 1972.

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

[FR Doc.72-7137 Filed 5-10-72;8:46 am]

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[Docket No. 11908, Amdt. 809]

## 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 (SIAPs) 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 for 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 avaialble 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 Priting 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:

1. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAP's effective June 8, 1972:

Bakersfield, Calif.—Meadows Field; VOR Runway 30R, Amdt. 2; Revised.
Barre-Montpelier, Vt.—Edward F. Knapp State Airport; VOR Runway 35, Amdt. 3; Revised.
Bedford, Mass.—L. G. Hanscom Field; VOR Runway 23, Amdt. 2; Revised.
Cincinnati, Ohio—Cincinnati Municipal Blue Ash Field; VOR/DME-A, Original; Established.
Cordele, Ga.—Cordele Airport; VOR/DME Runway 22, Amdt. 2; Revised.
Hayward, Calif.—Hayward Air Terminal; VOR-A, Amdt. 2; Revised.
Hayward, Calif.—Hayward Air Terminal; VORTAC-A, Original; Established.
Helena, Mont.—Helena Airport; VOR-A, Amdt. 6; Revised.
Langhorne, Pa.—Buehl Field; VOR Runway 6, Amdt. 2; Revised.
London, Ky.—Corbin-London War Memorial Airport; VOR Runway 5, Amdt. 7; Revised.
McComb, Miss.—McComb Pike County Airport; VOR/DME-A, Amdt. 3; Revised.
Memphis, Tenn.—Memphis International Airport; VOR Runway 35R, Amdt. 25; Revised.
Millinocket, Maine—Millinocket Municipal Airport; VOR-A, Amdt. 5; Revised.
Toms River, N.J.—Robert J. Miller Air Park; VOR Runway 6, Amdt. 2; Revised.

Unalakleet, Alaska—Unalakleet Airport; VOR-A, Original; Established.
Unalakleet, Alaska—Unalakleet Airport; VOR/DME-A, Amdt. 1; Revised.
Willard, Ohio—Willard Airport; VOR/DME-A, Original; Canceled.
Willard, Ohio—Willard Airport; VOR-A, Original; Established.

2. Section 97.25 is amended by establishing, revising or canceling the following SDF-LOC-LDA SIAP's, effective June 8, 1972:

Bedford, Mass.—L. G. Hanscom Field; LOC (BC) Runway 29, Amdt. 2; Revised.
Memphis, Tenn.—Memphis International Airport; LOC (BC) Runway 17L, Amdt. 5; Revised.
Memphis, Tenn.—Memphis International Airport; LOC (BC) Runway 27, Amdt. 15; Revised.

3. Section 97.27 is amended by establishing, revising or canceling the following NDB/ADF SIAP's, effective June 8, 1972:

Bedford, Mass.—L. G. Hanscom Field; NDB Runway 11, Amdt. 11; Revised.
Kissimmee, Fla.—Kissimmee Municipal Airport; NDB Runway 15, Amdt. 1; Revised.
Memphis, Tenn.—Memphis International Airport; NDB Runway 9, Amdt. 18; Revised.
Millinocket, Maine—Millinocket Municipal Airport; NDB-A, Amdt. 5; Revised.
Stow, Mass.—Minute Man Field; NDB-A, Amdt. 2; Revised.

4. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's, effective June 8, 1972:

Bedford, Mass.—L. G. Hanscom Field; ILS Runway 11, Amdt. 14; Revised.
Memphis, Tenn.—Memphis International Airport; ILS Runway 9, Amdt. 16; Revised.

5. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's, effective June 8, 1972:

Houston, Tex.—Intercontinental Airport; ILS Runway 14, Original; Established.

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

McComb, Miss.—McComb-Pike County Airport; RNAV Runway 33, 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), 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on May 3, 1972.

J. A. FERRARESE,
*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.72-7138 Filed 5-10-72;8:46 am]

# Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

## PART 121—FOOD ADDITIVES

### Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

CHLORDIMEFORM

A petition (FAP 2H2666) was filed jointly by Ciba Agrochemical Co., a division of Ciba-Geigy Corp., Post Office Box 1105, Vero Beach, FL 32960, and NOR-AM Agricultural Products, Inc., 11710 Lake Avenue, Woodstock, IL 60098, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of a food additive tolerance (21 CFR Part 121) of 10 parts per million for combined residues of the insecticide chlordimeform (*N'*- (4-chloro-o-tolyl)-*N,N*-dimethylformamidine) and its metabolites containing the 4-chloro-o-toluidine moiety (calculated as the parent insecticide) in or on cottonseed hulls from application of the insecticide to the growing raw agricultural commodity cotton. (For a related document, see this issue of the FEDERAL REGISTER, page 9482.)

The Reorganization Plan No. 3 of 1970, published in the FEDERAL REGISTER of October 6, 1970 (35 F.R. 15623), transferred (effective December 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, as amended (21 U.S.C. 346, 346a, and 348).

Having evaluated the data in the petition and other relevant material, it is concluded that the tolerance should be established.

Therefore, pursuant to provisions of the act (sec. 409(c) (1), (4), 72 Stat. 1786; 21 U.S.C. 348(c) (1), (4)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), Part 121 is amended by adding the following new section to Subpart C:

**§ 121.338 Chlordimeform.**

A tolerance of 10 parts per million is established for combined residues of the insecticide chlordimeform (*N'*-(4-chloro-o-tolyl) - *N,N* - dimethylformamidine) and its metabolites containing the 4-chloro-o-toluidine moiety (calculated as the parent insecticide) in cottonseed hulls for livestock feed when present therein as a result of the application of the insecticide to growing cotton.

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

*Effective date.* This order shall become effective on its date of publication in the FEDERAL REGISTER (5-11-72).

(Sec. 409(c) (1), (4), 72 Stat. 1786; 21 U.S.C. 348(c) (1), (4))

Dated: May 5, 1972.

LOWELL E. MILLER,
*Acting Deputy Assistant Administrator for Pesticides Programs.*

[FR Doc.72-7162 Filed 5-10-72;8:49 am]

## PART 121—FOOD ADDITIVES

### Subpart D—Food Additives Permitted in Food for Human Consumption

PIPERONYL BUTOXIDE AND PYRETHRINS

A petition (FAP 2H2662) was filed by FMP Corp., 100 Niagara Street, Middleport, NY 14105, proposing that §§ 121.1074 and 121.1075 (21 CFR Part 121) be amended (1) to provide for the safe use of combinations of the insecticides piperonyl butoxide and pyrethrins for insect control in food-processing and food storage areas: *Provided*, That the food is removed or covered prior to such use, and (2) to establish appropriate tolerances for residues of piperonly butoxide and pyrethrins when present in foods from such use.

When used on processed food, piperonyl butoxide and pyrethrins are food additives as defined by the Federal Food, Drug, and Cosmetic Act (sec. 201(s), 72 Stat. 1784; 21 U.S.C. 321(s). Pesticide tolerances and exemptions from the requirement of tolerances for piperonyl butoxide and pyrethrins and their use as food additives in food for human consumption have been previously established.

The Reorganization Plan No. 3 of 1970, published in the FEDERAL REGISTER of October 6, 1970 (35 F.R. 15623), transferred (effective December 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, as amended (21 U.S.C. 346, 346a, and 348).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that the use of mixtures of piperonyl butoxide and pyrethrins will not result in residues in excess of the tolerance levels of 10 parts per million for piperonyl butoxide and 1 part per million for pyrethrins under the conditions set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), Part 121, Subpart D, is amended:

1. In § 121.1074, by adding a new subparagraph to paragraph (a) and a new subparagraph to paragraph (c), as follows:

§ 121.1074 Piperonyl butoxide.

* * * * *

(a) * * *

(5) In food processing and food storage areas: *Provided,* That the food is removed or covered prior to such use.

* * * * *

(c) * * *

(5) Foods treated in accordance with paragraph (a)(5) of this section.

* * * * *

2. In § 121.1075, by adding a new subparagraph to paragraph (a) and a new subparagraph to paragraph (c), as follows:

§ 121.1075 Pyrethrins.

* * * * *

(a) * * *

(5) In food processing areas and food storage areas: *Provided,* That the food is removed or covered prior to such use.

* * * * *

(c) * * *

(5) Foods treated in accordance with paragraph (a)(5) of this section.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Environmental Protection Agency, Room 3125, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall become effective on its date of publication in the FEDERAL REGISTER (5–11–72).

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: May 4, 1972.

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

[FR Doc.72-7163 Filed 5-10-72;8:49 am]

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SUBCHAPTER C—DRUGS

## PART 130—NEW DRUGS

### Procedures for Classification of Over-the-Counter Drugs

A notice of proposed rule making regarding these regulations was published in the FEDERAL REGISTER of January 5, 1972 (37 F.R. 85). Interested persons were invited to submit comments on the proposal within 60 days. Forty-three comments were received. The comments concerned almost every part of the proposal and its accompanying preamble.

GENERAL COMMENTS

1. The preamble to the proposal stated that the review of prescription drugs was being completed and that it was now appropriate to conduct a similar review of OTC drugs. Most of the comments agreed that OTC drugs must be safe and effective and properly labeled so that the consuming public is protected. In addition, most comments supported the class approach to the review of OTC drugs provided such a review is scientifically sound. The Food and Drug Administration believes that the therapeutic category approach to OTC drugs is appropriate, since there are only an estimated 200 active ingredients in the thousands of OTC drugs now marketed; therefore, this approach is adopted in the final regulations.

2. One comment stated that the Food and Drug Administration has required compliance with the Federal Food, Drug, and Cosmetic Act for OTC drugs for 30 years, and for that reason the wholesale review contemplated by these regulations is needless. It was also stated that, by the promulgation of regulations (21 CFR Part 131—Interpretive statements Re: Warnings on Drugs * * * For Over-The-Counter Sale) governing OTC drug labeling, the Food and Drug Administration has given official status to a large number of OTC drugs. Both of these comments failed to recognize that the Food and Drug Administration has not determined the efficacy of OTC drugs marketed prior to 1962 and that it has never stated which OTC drugs are generally recognized as safe and effective and not misbranded so that manufacturers will be aware of which OTC drugs do not need NDA's prior to marketing.

3. The statement in the proposal that self-medication is essential to the nation's health care system was questioned. The comment argued that the OTC drug monographs are designed merely as a public relations gimmick to build unwarranted consumer confidence in OTC drugs and that the American public is involved in recreational pharmacology. The comment concluded that there should be a program to remove OTC drugs from the market. The Commissioner has no authority under the act, however, to remove safe, effective, and properly labeled OTC drugs from the market. Congress has specifically provided for OTC drugs, and only Congress has the power to change the law.

4. One comment suggested that the Food and Drug Administration review its entire position in this matter to make sure that it does not remove any OTC drug from the market. This comment argued that there is a lack of adequate medical personnel within our Nation to treat the ills of all people, especially the aged, the infirmed, and low income families who have limited resources to meet the cost of medical care. The Food and Drug Administration has no desire to reduce the OTC drugs available to the consumer. However, the agency's overriding purpose is to assure everyone who purchases OTC medication that he is receiving a drug which is safe and effective for its labeled purpose and that, upon reading the label, he will be able to determine the uses for the drug, any warning against use, and any other pertinent information which will allow him to use the drug adequately.

5. It was also suggested in one comment that the Food and Drug Administration had not gone far enough in its OTC drug review, because it has failed to include OTC veterinary medication. It is undoubtedly true that OTC veterinary drugs should be reviewed in the same way as OTC human drugs. Because of limited resources, however, it is impractical at this time to review OTC veterinary drugs, and a higher priority must be given to a review of OTC human drugs.

6. In the third paragraph in the preamble to the proposal, it was stated that a broadly representative group of the whole range of OTC drugs (consisting of 420 OTC drugs) was reviewed as part of the National Academy of Science-National Research Council (NAS–NRC) Drug Efficacy Study, and that only 25 percent were classified as effective. There was comment that the Food and Drug Administration was seeking to obscure facts and create a biased situation against the OTC drug market in that it reported that only about 25 percent were classified as effective, when in fact the panels used more than one characterization for effectiveness. It is true that some of the 75 percent were classified as possibly or probably effective, or "effective but." Nevertheless, only 25 percent of the drugs reviewed were found effective, and thus over 300 of the drugs were either misbranded or ineffective for one or more of their intended uses. This fact is not intended to create a bias against OTC medication. There can be no question, however, that the Food and Drug Administration is obligated to review all

OTC drugs to assure that all those found in the marketplace are safe and effective and not misbranded.

7. There was comment that the Food and Drug Administration is delaying for no good reason the implementation of the NAS–NRC review of the 420 OTC drugs and that removal of those that are ineffective should be accomplished immediately, without additional review by the OTC drug panels. Since the Food and Drug Administration is adopting the approach in the OTC drug review of creating monographs for categories of drugs which are generally recognized as safe and effective and not misbranded, it would be highly unfair and anticompetitive to move against the 420 drugs reviewed by the NAS–NRC. First, this would penalize these drugs and enhance the competitive position of other drugs that are no safer or no more effective. Second, the NAS–NRC review of OTC drugs was limited, and thus additional evidence or data may be submitted which will justify a different conclusion. Finally, there is also the possibility that the manufacturer need only reformulate or relabel after the final monograph is published to bring the drug into compliance. Thus, the agency's resources are better used in expediting the OTC drug review, which will establish those drugs that are generally recognized as safe and effective and not misbranded, rather than in implementing the limited NAS–NRC conclusions.

8. Another comment suggested that any drug product which was reviewed by the NAS–NRC drug review and found to be effective be exempted from the OTC drug review unless the manufacturer at his option wishes to resubmit the drug formulation for an OTC review to enlarge or change the labeling, claims, or dosage formulation. The Commissioner is publishing the NAS–NRC review reports for the 420 OTC drugs. These reports are proposed to be handled pursuant to the principles set forth in the FEDERAL REGISTER for April 20, 1972 (37 F.R. 7807). Since the Commissioner is taking no immediate action on most of the NAS–NRC recommendations, there is no final Food and Drug Administration adjudication in those situations. To allow those OTC drugs which were effective under the NAS–NRC review to escape the OTC review and monograph would be to defeat the very purpose for which the monograph system is being created. The NAS–NRC review did not consider all the issues the OTC review panels will consider, and therefore it would be inappropriate for the NAS–NRC report to preempt the OTC drug review. The OTC drug monographs prepared by the panels are to cover all OTC drugs, and the only way to approach this problem is to have the OTC review panels review all OTC drugs.

9. The Commissioner, in the preamble to the proposal, set forth seven paragraphs indicating the reasons why the agency proposed to adopt the OTC therapeutic category review approach. A number of comments argued that the Food and Drug Administration's justifications for this approach (lack of funds, lack of manpower, and competitive unfairness between drugs if a drug-by-drug approach was adopted) were insufficient justifications. It was stated that the lack of manpower and funds were not sufficient justifications because they could be cured by seeking additional appropriations and that the idea of competitive unfairness between manufacturers makes a shambles of the law. The Food and Drug Administration believes that its resources of manpower and funds are properly considered in deciding how best to approach its consumer protection activities. Based on present resources it would not be possible to adopt a drug-by-drug approach even if it were a better method. The Commissioner has also concluded that a drug-by-drug approach is not the best method of proceeding, since it would be so cumbersome, time consuming, and confusing. By adopting these regulations there will be no question as to which drugs are generally recognized as safe and effective and not misbranded, and what labeling is permitted. Competitive unfairness alone would not sway the Food and Drug Administration from acting on a drug-by-drug basis where necessary to protect the public, but, if the Food and Drug Administration were to proceed against one product and remove it from the market, a competitive product that is no safer or no more effective would still be available to the consumer. Under these circumstances, selective enforcement serves no useful public purpose, and agency resources are more efficiently spent doing the complete job rather than a small part of it.

10. Some comments have contended that the Food and Drug Administration does not have the authority to regulate drugs by therapeutic class, because the authority to do so has not been given by Congress. They cite as legal authority for their proposition the insulin (21 U.S.C. 356) and antibotics (21 U.S.C. 357) sections of the act, which give the Food and Drug Administration specific authority to regulate classes of products, and contend that such an approach is permissible only where specifically authorized. These comments also argue that the category reviews are not legally proper, since it is a subversion of the NDA procedures (21 U.S.C. 355), which call for a drug-by-drug review. The regulations however do not state that the OTC drugs reviewed are new drugs which have been approved, but instead provide for monographs which will include those drugs that do not require an NDA. Nothing in the act prohibits the use of the therapeutic category approach to defining those OTC drugs that are generally recognized as safe and effective and not misbranded.

11. Some comments argued that a therapeutic category approach is not reasonable, because each OTC drug and drug combination is unique in that it has a different dosage, manufacturing technique, reproductibility, and reliability of use. The manufacturer of a unique drug and any interested person has an opportunity to present to the panel under the OTC drug review all information pertinent to the safety and effectiveness of the drug. There are numerous opportunities after the panel makes its report to the Commissioner to review and amend any judgments that a panel may have made. The review system established is sufficiently flexible to accommodate inclusion of unique drugs.

12. A number of comments asked how the reviewing panel would be determined for a drug formulation with claims in more than one therapeutic category. A panel will review every OTC drug with a claim in its therapeutic category. This same panel will then decide whether a drug combination may safely and effectively be used at the same time for another claim outside of that therapeutic category. Then the panel(s) responsible for the other therapeutic category(s) must decide whether the active ingredient(s) that falls within its scope is also generally recognized as safe and effective and not misbranded. For example, if a drug is a combination of an analgesic and antacid, the antacid panel would review the safety and effectiveness of the antacid component and determine whether an antacid may rationally be combined with an analgesic. Once that determination is made, the analgesic panel would determine whether the analgesic component is safe and effective and whether it may rationally be combined with an antacid.

13. Numerous comments stated that they intended to submit data but wished to have more than the 30 days that were allowed for submitting data for the antacid panel. In the future 60 days will be allowed for submission. Additional time has been allowed for submission of data for the first two panels. Since the proposal indicating that the Food and Drug Administration is going to review OTC drugs by therapeutic classes was published in January, there is no justification for further delays in the submission of data in the future. All interested parties are now on notice and have been for some months that at least 26 categories of drugs are going to be reviewed. Review of available data should begin immediately if it has not already begun. Since data published after 1950 may not be required to be submitted, and since other forms of abbreviated submissions may be permitted for particular ingredients, interested persons may wish to delay compilation of the final submission until the FEDERAL REGISTER notice requesting the data is published. In no event should a submission be made prior to the applicable FEDERAL REGISTER notice.

14. A number of comments would delete the words "generally recognized" before the words "safe" and "effective". Under the law, however, a drug that is safe and effective but not generally recognized as such would require an NDA unless it is grandfathered. If it is grandfathered it may not be misbranded or adulterated. Thus, only those drugs that are generally recognized as safe and effective and that are not misbranded or adulterated may be lawfully marketed without an NDA.

15. The Food and Drug Administration in its policy statement (21 CFR 130.39) published in the FEDERAL REGISTER of May 28, 1968 (33 F.R. 7758), revoked all previous opinions that an article was not a new drug. One comment noted that paragraph (d) stated that in essentially all cases for newly marketed drug products an NDA would be required, and asked how this policy statement agrees with the OTC drug review procedure. The purpose of the OTC review is to set forth which drugs are generally recognized as safe and effective and thus, in accordance with the 1968 policy statement, do not require an NDA. Since the policy statement and the regulations are not in conflict, there is no reason to change either.

16. There was comment that some of the drugs reviewed by the OTC panel appear in the "United States Pharmacopeia" and "National Formulary," which are official compendia recognized in the Federal Food, Drug, and Cosmetic Act. It was argued that if a drug met the compendium packaging and labeling requirement and yet was not approved by the panel, it would be in violation of the regulation but not of the act. The fact that a drug appears in an official compendium does not mean that it complies with all requirements of the act. The compendia use only minimum packaging and labeling requirements. The monograph will undoubtedly require additional labeling beyond that presently required by the official compendia. Since the act recognizes the official compendia only with respect to standards of strength, quality, and purity and not with respect to safety, effectiveness, and misbranding, there is no conflict.

17. One comment asked that the Commissioner make it clear that a trademark would not be lost if a drug or combination were reformulated to meet a monograph. Any drug product which is on the market and which is reformulated and/or relabeled within the limits of the final monograph will not lose its trademark as long as its continued use is not misleading. Transitional labeling may be required where close questions arise.

18. There was comment that the agency should not request data and views until the final order has been published because submissions prepared prior to the final order could be prejudicial. Now that the final order is published, any interested person may submit any additional unsubmitted data on the first two drug categories within the next 20 days. Any person may, of course, also request an opportunity to present oral views to the panel. In the future, panels may be unwilling to review data which is submitted after the time requested unless proper justification for a late submission is made.

19. There was comment that the panel should review only those drugs posing a genuine question of safety and efficacy and that submissions by interested persons should be requested only in such cases. While this approach may be acceptable for some ingredients (such as aspirin) whose safety and effectiveness is well documented and beyond question, it would appear to be the exception rather than the rule. It is therefore concluded that the format set forth in the regulations, as revised in the final order, should apply to all drugs except those explicitly exempted by the notice calling for submission of data for a particular category.

20. There was comment that the Food and Drug Administration should solicit data and views by other means in addition to publication in the FEDERAL REGISTER. There have already been press releases concerning the OTC review and press conferences have been held. The Commissioner and others have met with consumer groups, industry groups, and professional organizations. All of these meetings and press material are an attempt to keep the public informed of what the Food and Drug Administration is doing. Any specific suggestion as to how to give wider dissemination of information concerning the OTC review will be considered.

21. One comment stated that time limits should be placed on each panel's deliberation and due dates should be set for reports so that there would be a definite time in which the reviews must be completed. Because of problems of scheduling and of providing adequate time for review of the data submitted, it is unreasonable to set arbitrary limits. The amount of data submitted may vary by drug category. It is therefore inappropriate to set down a time limit within which the review must be completed. For this reason no time limit will be set even though the Food and Drug Administration wishes to expedite the panels' consideration as much as possible.

22. There was comment that the evaluation by the panel cannot be performed according to testing standards set by the Food and Drug Administration within the past few years, because such OTC drugs have been on the market for a number of years, little public data exist, and few studies have been performed according to the standards that are presently being used. The regulations do not adopt rigid or absolute standards. The regulations indicate what the Commissioner has concluded to be appropriate evidence to prove safety and efficacy and direct that the panels ordinarily base their recommendations on such evidence. Exceptions are permitted where they can be justified.

23. Many comments stated that the proposed regulations would extend the new drug requirements of the 1962 Amendments to include those OTC drugs that were grandfathered under the 1962 and 1938 acts. This is not the situation. The Commissioner seeks to determine which nongrandfathered OTC drugs are generally recognized as safe and effective and which grandfathered OTC drugs are not misbranded. The grandfather clauses exempt those drugs to which they are applicable from the new drug provisions of the act but not from the misbranding provisions.

24. One comment questioned whether the agency intends to require manufacturers of OTC products that were covered by an NDA to submit the NDA data for review by the OTC panels. The Food and Drug Administration intends that the review will cover all OTC drugs, including those with approved NDA's since 1962. NDA files will therefore be a part of the information included in the review. If a final monograph includes an OTC drug which is covered by an NDA as generally recognized as safe and effective, the drug will be removed from NDA status. A finding by a panel that an OTC drug covered by an NDA is not generally recognized as safe and effective may or may not affect the NDA, depending upon the applicability of the basis for the decision. If such action does affect an NDA, it will be handled through the usual new drug procedures.

25. The American Institute of Homeopathy requested that homeopathic medicines be excluded from the OTC review. Because of the uniqueness of homeopathic medicine, the Commissioner has decided to exclude homeopathic drugs from this OTC drug review and to review them as a separate category at a later time after the present OTC drug review is complete.

COMMENTS RELATING TO SPECIFIC PROVISIONS OF PROPOSED § 130.301 (21 CFR 130.301)

I. PARAGRAPH (a)(1) ADVISORY REVIEW PANELS

26. There were numerous comments that the advisory panels should have "expertise" in OTC drugs. The Commissioner in his appointments is choosing as panel members individuals recommended by organizations representing professional, consumer, and industry interests, in addition to those recommended by his own staff. The individuals selected for panel membership are leading experts in the therapeutic category that the panel is reviewing. It has also been suggested that the panel include a general practitioner as one of the members so that the panels are not made up completely of individuals from teaching institutions. There is no exclusion of the general practitioner since any qualified person can be a panel member, and an attempt will be made to have such practitioners represented on as many panels as possible. Many of the panel members will no doubt have a private practice, and whether or not a panel member is a general practitioner will have no bearing on whether or not he is qualified. The only two conditions for panel membership are that the individual have expertise in the therapeutic category under consideration and that he not have a conflict of interest.

27. There was specific comment that there should be no conflict of interest for panel members. All prospective panel members will be questioned, in accordance with the usual Department of Health, Education, and Welfare procedures, to assure that they have no financial or other similar interest in any therapeutic category they are considering and to be sure that they can make an independent and unbiased evaluation.

28. There was also a comment that to insure impartiality the Commissioner should appoint the first three panel members, one from each of three interest groups (consumers, professionals, and industry), and then let those three choose the remaining panel members. The Commissioner is ultimately responsible for the work of the panel and thus for the selection of each member. The Commissioner has therefore concluded that he should select all panel members, utilizing the lists supplied by interested organizations as well as by his own staff.

29. There was also a similar comment that the panel should be made up of individuals evenly divided between the lists submitted by the three interest groups. While an attempt will be made to have all points of view represented on a panel, this cannot be done in a purely mechanical way.

30. There was a request that the lists from which panel members were selected be made known. This would constitute an invasion of privacy and would add nothing to the work of the panels or to the public understanding of the OTC drug review.

31. There was a suggestion that at least one member of the panel be a behaviorist, since the panel was reviewing labeling which must be viewed in the eyes of the user. Such a person may not be qualified to determine whether a drug is safe and effective. The consumer liaison will serve a similar function. The suggestion of obtaining a behaviorist's view on labeling may well have merit in specific cases, and the panels may wish to consult with such an individual prior to its final report. Under paragraph (a)(3), the panel may consult with any individual or group it wishes. This could include a behaviorist, a marketing expert, a qualified scientist or physician, a representative of industry, or consumers. This broad consulting scope is intended to provide the panel with as much information as it needs to make its recommendations. Similarly, the FDA may consult with anyone in reviewing the report and proposing monographs for OTC drugs.

32. There was a request that the panel members' names and curriculum vitae be published in the FEDERAL REGISTER. The names of the panel members will be made public upon selection and their curriculum vitae will be made available upon request. There is no need under the circumstances for publishing such information in the FEDERAL REGISTER.

33. It was requested that the function and presence of the nonvoting industry and consumer liaison members be set forth in the regulations. Since their participation is a matter of discretion, and they have no duties, specific mention is unnecessary and would only serve to limit the possibility of other nonvoting liaison members in the future, should that prove to be desirable.

34. There was a request that nonvoting liaison members be entitled to review all confidential material submitted. Such a request must be rejected. Nonvoting representatives are not agency employees covered by 18 U.S.C. 1905, which provides for criminal penalty for disclosure of confidential information. The panel members are Food and Drug Administration consultants and therefore subject to that statute.

35. A request was made that the industry liaison representative be a voting member. To allow the industry liaison member to vote and not the consumer liaison member or the FDA liaison member would be clearly unfair and unwarranted. Nor is there any guarantee that the industry or consumer or FDA liaison member would have the required expertise to qualify for panel membership.

36. There were numerous requests that the panel's summary minutes reflect both majority and minority views on issues or that the minutes reflect the differing views of the individual panel members. The summary minutes are necessary so that the progress of the panel can be determined but the length, detail, and discussion of minority and/or majority views should be matters that are best left to the panel's discretion. The panel may conclude that detailed minutes are useful or it may conclude that until its position is clear only general minutes are appropriate. Thus, there should be no requirement regarding the length or detail of the summary minutes.

37. There was a request that panel meetings be open, that a full record of each panel meeting be made, and that a copy of the record be made available to the public to increase the public's confidence in the proceeding. Opening the meetings to the public would not be conducive to efficient and effective deliberation of scientific and medical issues by panel experts. Nor is there any reason for a verbatim transcript, because the panel only reports recommendations to the Commissioner and the Commissioner alone issues the proposals and final orders. There is ample opportunity for any interested party to request an oral presentation before the panel, to review the report and the data on which it was based, to comment on the proposal, to request an oral hearing before the Commissioner, and to appeal the final order to the courts. Consumers and industry have designated liaison members to attend all panel meetings except executive sessions, and summary minutes will be kept and made public. In view of the extensive procedural safeguards, opening all meetings to the public and a verbatim transcript are unnecessary.

II. PARAGRAPH (a)(2) REQUEST FOR DATA AND VIEWS

38. One of the main requests was that the Food and Drug Administration not require the interested persons who submit data to justify their request for confidentiality. The proposal stated that, while data submitted in confidence is being reviewed by the panel, FDA would protect the data's confidentiality if it is entitled to such treatment under the provisions of 18 U.S.C. 1905, 5 U.S.C. 552(b), or 21 U.S.C. 331(j). However, the data would be made available to the public 30 days after publication of the proposed monograph unless the person submitting the data can demonstrate that it is in fact entitled to such confidentiality. Such action protects both the confidentiality of true trade secrets and the public's right to understand the basis for governmental decision that vitally affect it. In keeping with the congressional intent of the Freedom of Information Act (5 U.S.C. 552), the Food and Drug Administration is making available to the public as much of the OTC drug review data and information as is permissible under the law.

39. One comment suggested that anything the panels review should be in the public domain. Since all information is voluntarily submitted, however, and since the law clearly protects the confidentiality of trade secrets and other confidential information, the regulations provide an opportunity for such information to be held in confidence upon an adequate justification.

40. One comment proposed to have all data for which confidentiality is requested reviewed by the Office of General Counsel and then by the Commissioner for a determination of confidentiality. Such a procedure would be too cumbersome and is therefore rejected.

41. There were comments suggesting that the request for data to be reviewed should include a request for all other helpful data, including in vitro studies. All pertinent data should be available to the panels, but the data submitted must have some relevance to proving the safety and effectiveness of the drug. Because of the mass of data that could be submitted, the regulations establish reasonable criteria for pertinent data. Since in vitro studies are not significant in determining the safety and effectiveness of OTC drugs and since a statement requesting "other helpful data" is such an open ended request, the request for data excludes these categories.

A. Paragraph (a)(2), Item II Complete Quantitative Composition of the Drug

42. Comments stated that the Food and Drug Administration's request for the complete quantitative composition of the drug was not necessary because the review covered only the safety and efficacy of active ingredients. The Commissioner agrees with this comment and the regulations have been changed to require submission only of a quantitative statement of the active ingredients.

B. Paragraph (a)(2), Item V Efficacy

43. A number of comments suggested that the efficacy data to be submitted for review include pertinent marketing experience that may influence a determination as to the effectiveness of the individual active component or finished drug product. The Commissioner has concluded that, while marketing experience alone is insufficient to show effectiveness of drugs, it may be pertinent. The regulations have therefore been changed so that the efficacy data requested will include pertinent marketing data.

C. Paragraph (a)(2), Item VI Summary

44. This subsection provides that the interested person who submits data is to

write a summary of his data and views setting forth the medical rationale and purpose of the drug or, where such rationale or purpose is lacking, a statement to that effect. There were comments that the lack of rationale or purpose need not be discussed because the panel's report should cover only drugs that are safe and effective. Such a narrow approach would, however, ignore two facts. Some individual active ingredients may lack a rationale or purpose for every claim for a combination drug and yet be part of rational concurrent therapy. In addition, some interested persons may wish to submit data not to prove the safety and efficacy of a drug but to disapprove it by pointing out the lack of rationale and purpose in a drug. The summary should be scientifically complete and not an argumentative position paper which totally ignores any deficiencies in a drug.

45. Comments objected to the request that any interested person explain in his summary why controlled studies are not necessary, if in fact there are none. There may well be more than adequate justification for the lack of controlled studies for a particular drug, and the views of the interested person who is submitting the summary on this matter can be important. The panel will undoubtedly note the lack of controlled studies in a submission, because a controlled study is the predominant method used today to evaluate drugs. Although the panel will expect the best proof of safety and efficacy (which would be adequate and well controlled clinical studies) such studies may not be available and in fact may not be necessary to prove a drug safe and effective. If that is the case then the interested person should point out the absence of controlled studies and explain why they are unnecessary in the summary.

46. There was also comment that the request for data was limited to manufacturers of marketed OTC drugs and should be expanded to request information from a much broader class of interested persons. The request clearly states, however, that any "interested person" should submit data or views, and this extends to anyone whether he be a manufacturer, seller, user, researcher, consumer, or other individual or organization. The only limitation on submitting data is that it be pertinent and in the proper format. A person need not submit data for each subsection but must submit it in the requested format so that it can be easily identified and properly considered.

47. It was suggested that the format be wholly optional at the discretion of the submitter. Such an approach would severely hamper the panel's ability to review the data.

48. One comment stated that the request for data and views under this section would result in submission of a vast quantity of duplicative material at great expense and that this would result in a major screening and sorting effort by the Food and Drug Administration or the panels. The comment suggested that interested parties submit copies of the labeling and quantitative formulations that they wished reviewed and that the panel then prepare a preliminary monograph identifying formulations which are generally recognized as safe and effective and not misbranded and the labeling that would be acceptable for such formulations. At the same time the panel would prepare a statement concerning those formulations which had been considered but for which more data were needed in order to conclude that the particular formulation was safe and effective and not misbranded. The comment stated that such an approach would reduce the amount of material submitted. This approach is still under consideration by the Food and Drug Administration and may be used for some categories where it is particularly appropriate. The Food and Drug Administration is also considering conducting or contracting for a limited research of literature (probably since 1950) for ingredients in the individual OTC categories. The bibliography from this literature search would be made available at the time the proposed OTC category review is announced in the FEDERAL REGISTER and would be a master list made available to any interested party. All publications listed on the bibliography would be available to the panel members, so that interested persons would need to submit only pertinent data which were not found in the bibliography. The Food and Drug Administration may adopt either of the two above approaches or different approaches depending upon the category and ingredients involved and the resources available. Each published request for data pertinent to a drug category will use the basic format outlined in the regulation, and any variation in the request for data will be published in the request for the particular review category involved. The regulations have been revised to reflect this required flexibility in approach.

### III. PARAGRAPH (a)(3) DELIBERATION OF AN ADVISORY REVIEW PANEL

49. There was comment that this section indicates that the panel would only review data which were submitted to it by interested persons and that there seemed to be no provision allowing the panel to do independent literary research. The Food and Drug Administration agrees that the panel should be able to do independent literary research and evaluation, and the regulations do not preclude this. Because the amount of data being supplied by interested persons is significant and because an independent review of the literature by each panel member is not feasible, however, substantial reliance must be placed upon the submitted data. When the Commissioner chooses a panel member, he chooses experts in the particular category, because they have the basic background to evaluate the validity of the data submitted by interested persons. If a panel or any of its members has a question as to certain data submitted, that particular question may be resolved by independent research or by a request of the Food and Drug Administration staff or executive secretary or the consumer or industry liaison.

50. A number of comments concerned the provision that any interested person may request an opportunity to present his views orally to the panel. There were those who thought the oral presentation made to the panel should not be based on whether the panel wished to hear such a presentation, but that such presentation should be a matter of right. The panel must, however, reserve the right to grant or deny a request to make an oral presentation on the basis of the merits of the request and the amount of time available. At the other extreme were those who stated that the oral presentation should be eliminated entirely, because it would be duplicative if any interested person may then request an oral hearing before the Commissioner and because it raises a legal question of whether the panel is making a rule based on the presentation. This subparagraph provides the panel discretion to grant or deny a request for an oral presentation, and the panel will undoubtedly not waste its time on requests where the information offered is duplicative, unnecessary, or uninformative. This oral presentation is not intended to allow an interested person simply to present orally information which he has already presented in written form. The discretion to allow the oral presentations has been left with the panel, since they alone know whether the presentation requested may present data, information, or views in which they are interested. Since the panel report is advisory in nature to the Commissioner, the oral presentation in no way raises a legal question or duplicates the later oral hearing before the Commissioner.

### IV. PARAGRAPH (a)(4) STANDARDS FOR SAFETY, EFFECTIVENESS, AND LABELING

#### A. Paragraph (a)(4), subdivision (i) Safety

51. There was comment that the language should be changed to remove the statement about a low potentiality for harm. The effect would be that an OTC drug would be allowed on the market even though it had high potential for abuse as long as there was no evidence of such abuse. Clearly, any drug that has a high potential for harm should not be available without a prescription.

52. In the second sentence, the proposal stated that proof of safety shall consist of adequate tests by all methods reasonably applicable that show the drug is safe. There were comments that the word "all" should be deleted from the sentence. The requirement intended to be adopted is that safety be proven by adequate tests. To avoid the unwarranted interpretation that every conceivable test is required, the word "all" has been deleted from the final order.

53. There was also comment that there was no indication of what adequate tests

were and that the regulations should provide for scientifically adequate tests including tests for carcinogenicity and reproductive studies. The panel definitely should consider which tests are adequate to prove the safety of a particular drug and should advise the Commissioner accordingly. If it is decided that carcinogenicity and reproductive studies are necessary for a particular drug, then that fact will be reflected in the panel recommendations. There is no reason to request studies which the panel of experts may feel are unnecessary, and the regulations should not prejudge this issue by laying down requirements that more properly are handled on a category-by-category basis.

54. In the last sentence of this subdivision it is stated that the general recognition of safety shall ordinarily be based upon published studies which may be corroborated by unpublished studies and other data. There were numerous comments that this particular sentence be changed. There was comment that the word "ordinarily" be deleted and that general recognition be based only on published studies. There was a statement that the language of this section came from the new-drug provisions of the act (21 U.S.C. 355) and therefore was not appropriate. There was also comment that the panel's conclusion that a drug was generally recognized as safe and effective should be based on published and unpublished studies and any other data. The Food and Drug Administration believes that the panel's evaluation of a drug should be based on the best scientific evidence available. In most cases, this consists of published studies which are available for peer review and criticism. Even where published studies are available for review and criticism, there is no reason to exclude unpublished work that may represent a more recent study. Thus, although "ordinarily" the panel will use published studies as its basis, the panel may also consider unpublished studies and other data and may base its decision on such data where appropriate.

B. Paragraph (a)(4), Subdivision (ii) Effectiveness

55. There was comment that the requirement for effectiveness under the regulation should not be by reasonable expectation but should be substantial evidence as required under section 505(d) of the act for new drugs. The comment stated that the requirement is weak and should be more stringent. In fact, proof of effectiveness is required by controlled clinical investigations except where this requirement is waived. This requirement has been adopted, not because it is contained in section 505 of the act, but rather because it represents what medical science today generally regards as adequate proof of effectiveness. The proof necessary to show effectiveness for a particular drug will be determined by the panel utilizing their own expertise and based on the data submitted to them.

56. There was comment that the term "clinically significant" should be deleted from this subdivision, because it is imprecise and does not consider the judgment of the patients who are taking the medication. It was suggested that the term "clinically significant" should be used only in the review of prescription drugs where the conditions are not self-limiting and as easily recognizable as they are with OTC drugs. The patient's subjective judgment, however, is not a proper standard for determining effectiveness. Without adequate scientific evidence that the drug in question provides clinical relief, there is no basis on which to evaluate the drug as effective.

57. There was comment that the required proof of effectiveness, consisting of controlled clinical investigations as defined by 21 CFR 130.12(a)(5)(ii) unless waived, should be replaced by the new-drug standard of adequate and well controlled clinical studies that appears in section 505 of the act. In fact, 21 CFR 130.12(a)(5) is the section defining "substantial evidence consisting of adequate and well-controlled investigations." Thus, appropriate scientific evidence will be required for proof of effectiveness which will consist of controlled studies except where this is waived as unnecessary or inappropriate.

58. There was also comment that the required proof of effectiveness is far too rigorous and in effect adopts for OTC drugs a standard that should apply only to prescription drugs. It was urged that OTC drugs do not require the same sophistication in research and analysis as prescription drugs to prove their effectiveness and that the Food and Drug Administration should recognize that the majority of OTC drugs which are used are based on treating both the physiological and subjective needs of the patient. There can be no question, however, that the best possible data would consist of adequate and well controlled clinical studies of the drug as described in 21 CFR 130.12(a)(5)(ii), and in any event the regulation allows for a waiver where there is a showing that such studies are unnecessary or inappropriate. The applicability of the waiver and the adequacy of other forms of proof of effectiveness will in the first instance be determined by the panel and will then be subject to review by the Commissioner both before and after public comment and by appeal to the courts.

59. It was suggested in comments that effectiveness can properly be demonstrated by any of the following: Objective or subjective clinical studies; bioavailability of ingredients; documented clinical experience or uncontrolled clinical studies; market research studies; animal studies; general medical and scientific literature, published and unpublished; long use by the professional and the consumer; and common medical knowledge. The format for submission of data and views in paragraph (a)(2) permits inclusion of all of the above-listed material in one form or another. Such unscientific evidence as unsubstantiated opinion and marketing experience cannot, however, be regarded as sufficient to constitute adequate proof of effectiveness. Unless scientifically valid data are available or are shown not to be necessary or appropriate, only inadequate proof would exist. Other data and information may, of course, corroborate the scientific evidence.

60. Some comments criticized the statement that general recognition of effectiveness shall ordinarily be based upon published studies, which may be corroborated by unpublished studies and other data. The Commissioner has concluded that "ordinarily" general recognition shall be based upon published studies because they have been subject to public scrutiny and peer review and thus present the best evidence. In addition, general recognition inherently implies general availability of the basis of the judgment. The panel may, nevertheless, base its evaluation on unpublished data if in its expert opinion there is a sound scientific basis for such a decision which is sufficiently widespread to establish general recognition. This evaluation is, of course, subject to review by the Commissioner, public comment, and court appeal.

C. Paragraph (a)(4), Subdivision (iii) Benefit-To-Risk Ratio

61. Some comments stated that it is necessary to evaluate the benefit-to-risk ratio for OTC drugs but that such a statement should appear in the definitions of safety and effectiveness. Such a change is unnecessary because the subdivision clearly states that the benefit-to-risk ratio is to be considered in determining the safety and effectiveness of a drug.

62. Other comments argued that a benefit-to-risk ratio should not be applied to OTC products. Such a position is, however, untenable. Any drug which claims to be effective must have some pharmacological action whether it is beneficial, aggravates an already existing condition, or results in an adverse reaction or side effect. In every instance the panel must evaluate whether, balancing the benefits against the risks, the target population will experience a beneficial rather than a detrimental effect. Where little or no benefit is obtainable, of course, little or no risk is acceptable.

D. Paragraph (a)(4), Subdivision (iv) Combination Drugs

63. Some comments suggested that the term "rational concurrent therapy" is without meaning and should be deleted, but no alternative term was offered. Another comment found it an acceptable standard under which to review combination products. Most of the comments indicated that the standard for safety and effectiveness for combination products should be less stringent than that proposed. Any lesser standards, however, would represent an irrational approach to OTC combination drugs. There is no sound medical or scientific reason to have an active ingredient in a combination unless it makes a contribution to the claimed effect. Nor should an active ingredient be included if it decreases the effectiveness or safety of another. The active ingredients in combinations should

have the effect they are claimed to have, and they should provide relief for the persons who use them, i.e., rational concurrent therapy for the target population to whom they are directed. There is no medical justification for an OTC combination which is effective only for a very small number of the people to whom the labeling is directed. The combination need not be effective for the majority of the people taking it as long as it is effective for a significant portion of the population taking it based on its labeling. This is a flexible standard that will be applied initially by the panel using its expert judgment, subject to review by the Commissioner, public comment, and court appeal.

64. There was comment that the OTC combination policy is essentially the same one that was used for the prescription drugs. It is irrelevant whether the policy is the same, similar, or different. The important question is whether the policy, when applied to OTC drugs, will assure the consuming public of the safety and effectiveness of OTC drug combinations.

65. Another comment stated that it is virtually impossible to meet the combination policy as it is set forth using currently available scientific methodology for testing the safety and effectiveness of drugs. Persuasive grounds to support this contention were not given. When controlled studies are unnecessary or inappropriate they will not be required; when they are necessary and appropriate it would be unlawful to permit that a product be marketed without them.

66. One comment stated that the combination policy is deficient in that it fails to require that the combination enhance the safety and efficacy of the drug or that the combination represent an advantage for all the conditions listed in the labeling. As long as there is no decrease in safety, however, there is no sound basis for requiring increased effectiveness or any other advantage for the combination.

E. Paragraph (a)(4), Subdivision (v) Labeling

67. Almost all comments objected to the requirement that labeling be understood by "individuals of low comprehension," on the grounds that the law only requires labeling that the ordinary person can understand and that there is no standard or frame of reference by which to decide how labeling should be written for individuals of low comprehension. One comment, however, did recognize that the Food and Drug Administration is seeking to overcome the problem that OTC drugs may be used to a great extent by individuals who are poor and with lower comprehension and, thus, that an attempt must be made to develop labeling that will be understood by them. The Federal Food, Drug, and Cosmetic Act is for the protection of all citizens and does not distinguish between persons of different comprehension. This requirement does not demand an absolute and does not mean that every individual of low comprehension must be able to read and understand the labeling. The panels, the Food and Drug Administration, and the manufacturers should, however, make every attempt to write labeling in clear, concise, and easily readable statements that can be understood by individuals with low comprehension. The net result should be that people who take OTC drugs take them for the conditions which appear on the label, for which the drugs are safe and from which people would most likely derive relief.

F. Paragraph (a)(4), Subdivision (vi) OTC or Prescription Status

68. It was pointed out that the proposal did not contain the words found in section 503(b)(1) of the act indicating which drugs are prescription drugs, and this language in the regulations has been changed to reflect the language of the act. It was also suggested that the whole paragraph be deleted, since it is repetitious of section 503(b)(1), but it has been retained as a handy reference to the standard for determining the distinction between prescription and OTC drugs.

V. PARAGRAPH (a)(5) ADVISORY REVIEW PANEL REPORT TO THE COMMISSIONER

69. There was comment that a statement should be added to this section requiring the panel to submit in its report to the Commissioner a comprehensive statement of the basis on which it reached its conclusions and recommendations. Such a request is unnecessary since summary minutes of all meetings will be available, and the conclusions and recommendations will also necessarily convey at least a summary of their basis. To require a comprehensive report on how the panel reached their conclusions and recommendations would be an unjustified burden that would severely hinder their efficiency. It is not intended that the panel prepare a detailed medical summary or rationale for the therapeutic category they are reviewing as long as their conclusions and recommendations are clear and the reasons for them are discernible.

70. Comments argued that section 503(b) of the act determines prescription status and that this is not a question that should be asked of a panel. This issue is fundamentally no different, however, from the other issues being considered by the panels. Each panel is being asked for its views on the safety and effectiveness of OTC drugs, and it may well be that they will decide that a drug is generally recognized as safe and effective but that because of adverse reaction or side effects it is not safe and effective for OTC use. The panel's recommendation on this matter should be given to the Commissioner so that he can properly determine whether he concurs that the drug should be placed on prescription status.

71. It was also noted in comments that the panel's recommendation may result in moving a drug which is on prescription status to OTC status. Although the data submitted by interested parties are to relate only to OTC drugs, the panel is charged with making recommendations with respect to all drugs that should be on OTC status. Any interested person may, of course, submit data and views suggesting that a prescription drug be moved to OTC status.

72. There were comments that subdivisions (ii) and (iii) should be deleted in their entirety because the panel should be concerned only with the safety, effectiveness, and proper labeling of OTC drug products and should not be concerned with active ingredients, labeling claims, or other statements which should be excluded from monographs. It is impossible to determine what should be included in a monograph, however, without also determining what should be excluded. Interested persons and the public are entitled to know which drug, active ingredients, labeling claims, and other statements or conditions the panel reviewed and concluded were not generally recognized as safe and effective and not misbranded for OTC drugs. An interested person would otherwise not know whether a particular drug or claim be submitted was reviewed by the panel and what type of determination was made. This review is intended not only to give a stamp of approval for those drugs that are safe and effective but also to indicate what drugs are not safe and effective and what drugs require further testing before a determination of safety and effectiveness may be made.

73. There was also comment concerning the reference to manufacturing procedures which appeared in subdivision (iii) of the proposal. The panels are made up of experts for the review of the safety and effectivenes of OTC drugs. It would be inappropriate for them to review manufacturing procedures, since that it is not an area within their field of expertise. For this reason, "manufacturing procedures" has been deleted from subdivision (iii) in the regulation.

VI. PARAGRAPH (a)(6) PROPOSED MONOGRAPH

74. There was comment that this subparagraph should state that the Commissioner is not bound by the panel's monograph. There is no reason to add such language since there can be no question from the regulations that the Commissioner is not bound by the panel's proposed monograph. Only the Commissioner has the power to promulgate a proposal or a final order.

75. One comment suggested that subdivisions (ii) and (iii) of this subparagraph should be deleted, because they ask for a statement of the conditions excluded from the monograph on the grounds that they lack general recognition as to safety and effectiveness or would result in misbranding. For the reasons already related in paragraph 72 of this preamble, this comment is rejected.

76. Another comment objects to the statement in this subparagraph that the proposed monograph would specify a reasonable period of time within which drugs falling within subdivision (iii) could be marketed while the data necessary to evaluate the drug is being obtained for evaluation by the Food and Drug Administration. The comment suggests that any drug which is not found

generally recognized as safe and effective and not misbranded according to subdivision (i) continue to be marketed while interested persons obtain data to support their positions. There can be no justification to allow the continued marketing of a drug when the Commissioner finds it to be ineffective. On the other hand there is justification as provided in subdivision (iii) for allowing an interested party time to prove a drug safe and effective, if the evidence is insufficient for the Commissioner to make a proper determination. The panel will advise the Commissioner as to what time is reasonable for completing the collection of data; the Commissioner will decide upon the time element. This need not, however, represent a rigid time limitation. It is intended that reasonable time will be provided as long as testing is in progress that is adequate to resolve the medical issues raised by the panel and the Commissioner. It should also be noted that a drug classified as ineffective by the panel and by the Commissioner is not foreclosed forever from the marketplace. Any interested person can prove that the drug or combination is safe and effective and can then obtain an approved new drug application under the new drug procedures. In the interim, however, it cannot be marketed.

VII. PARAGRAPH (a)(7) TENTATIVE FINAL MONOGRAPH

77. One comment stated that this subparagraph should be removed because it provides an unjustified delay and is not necessary for due process. The procedures provided in the regulations are designed to assure that all interested persons have an opportunity to have their comments reviewed by the Commissioner prior to the publication of the final monograph. The Commissioner recognizes that this review vitally affects the interests of the public and of manufacturers and that procedural fairness is essential to guaranteeing substantive fairness. Accordingly, even though this procedural step is unnecessary, it is retained in order to provide an opportunity for final objections and an oral hearing before the final monograph is issued.

VIII. PARAGRAPH (a)(8) ORAL HEARINGS BEFORE THE COMMISSIONER

78. The proposal provided for an oral hearing before the Commissioner, if the Commissioner found reasonable grounds for such a request. The hearing was to be limited to 3 hours. Numerous comments stated that the 3-hour limitation on the hearing was inappropriate and that the time period should be left for an independent determination by the Commissioner at such time as a request is made. Since a reasonable time period for one monograph may not be reasonable for another the regulations have been changed to remove the 3-hour time limit. Thus, the Commissioner may set the length of the oral hearing at whatever time he feels appropriate on the basis of the request made to him.

79. There was also comment that the entire subparagraph should be deleted since it will only create an unnecessary delay and is not necessary to satisfy due process of law. For the reasons set forth in paragraph 76 of this preamble, this comment is rejected.

80. Another comment suggested that the hearing should be not only for those who are interested in changing the monograph, but also to allow those who are satisfied with it to present their point of view. Nothing in this subparagraph specifies who may appear at the oral hearing. The Commissioner may permit any interested person to present views, whether in support of or in opposition to the tentative final monograph.

IX. PARAGRAPH (a)(9) FINAL MONOGRAPH

81. Comment suggested that this section be amended to allow a manufacturer a reasonable time after the final monograph is published to bring a drug into compliance with the monograph. The last sentence of the section clearly states that the monograph shall become effective as specified in the order. This allows the Commissioner to vary the time for compliance depending upon the amount of time needed to bring drugs into compliance. When an individual monograph is completed the time period to bring affected drugs into compliance will be considered on the basis of that monograph. It would be inappropriate at this time to set a rigid rule as to the length of time a manufacturer will be allowed to bring a drug into compliance.

X. Paragraph (a)(10) Court Appeal

82. A number of comments stated that the statutory authority for appeal should be cited so that the interested persons may ascertain to which court an appeal can be taken. It was also argued that there is no provision for judicial review under section 701(a) of the act. Some comments also requested that the Commissioner indicate what the record for appeal would be and who the appropriate officer responsible for preparing it will be. The authority for the monograph is section 701(a) of the act, which gives authority to promulgate regulations for the efficient enforcement of the act. Once a final monograph is published, it constitutes final agency action that is subject to appeal under the Administrative Procedure Act, 5 U.S.C. 701–706. A declaratory judgment would also lie to determine the validity of a final monograph. The record for any court appeal will include all pertinent documentation of the proceeding, including the panel report(s), summary minutes, proposed monograph, tentative final monograph, transcript of oral hearing, final monograph, all comments or objections filed with the Hearing Clerk on the proposed and tentative final monographs, and all data and information received by the panel and made publicly available through the Hearing Clerk. The record for appeal will be compiled by the Office of General Counsel. There is no need to specify these details in the regulations.

83. Some comments suggested that, unless a basic question of safety is raised in the monograph, the final monograph should automatically be stayed pending a final court adjudication. Whether a stay of the effective date for all or part of a monograph should be allowed is within the discretion of the Commissioner, is subject to court review, and will be made on the basis of the facts presented to him.

XI. PARAGRAPH (a)(11) AMENDMENT OF MONOGRAPH

84. Comments suggested that, if the Commissioner denies a petition to amend a monograph, he should be required to specify his reasons in detail and that the interested person who sought an amendment to the monograph should be able to request the convening of a review panel which would review the Commissioner's denial of the petition. The Administrative Procedure Act already requires that the Commissioner's reasons be adequately articulated. An amendment ordinarily would not justify convening a review panel, but in the event of a complex medical issue the Commissioner may in his discretion convene an ad hoc expert panel to advise him. There is no need to spell out such a special procedure in these regulations. Since such a panel could legally do no more than make recommendations to the Commissioner, it should not be available as a matter of right. Any action on an amendment request will, of course, be appealable to the courts.

XII. PARAGRAPH (b) LEGAL STATUS OF MONOGRAPH

85. Almost every comment contended that the Food and Drug Administration lacks legal authority under the act to promulgate OTC drug monographs that constitute binding substantive rules and that the agency's authority is limited to issuing interpretive guidelines. Section 701(a) of the act expressly grants "the authority to promulgate regulations for the efficient enforcement of this Act." Numerous Supreme Court cases, interpreting comparable legislative authorization in other regulatory statutes, have upheld the right to proceed by substantive rule making rather than on a case-by-case basis, to particularize general statutory standards. (See e.g., Federal Power Commission v. Texaco, 377 U.S. 33 (1964); United States v. Storer Broadcasting Co., 351 U.S. 192 (1956); Securities & Exchange Commission v. Chenery, 332 U.S. 194 (1946).) In Abbott Laboratories v. Gardner, 387 U.S. 136, 151–152 (1967), the Supreme Court stated that regulations issued under section 701(a) of the act, if within the Commissioner's authority, "have the status of law and violation of these carry heavy criminal and civil sanction." More recently, in Ciba-Geigy v. Richardson, 446 F. 2d 466, 468 (2d Cir. 1971), the Court stated that:

* * * the Commissioner has the power to issue binding interpretive regulations, e.g., Abbott Laboratories v. Gardner, 387 U.S. 136, 87 s. ct. 1507, 18 L. Ed. 2d 681 (1967). Indeed the particularization of a statute by rule-making is not only acceptable in lieu of protracted litigation, e.g., Thorpe v. Housing Authority, 393 U.S. 268, 89 s. ct. 518, 21 L. Ed. 2d 474 (1969); NLRB v. Wyman-Gordon Co., 394 U.S. 759, 89 s. ct. 1426, 22 L. Ed.

2d 709 (1969), but it is the preferred procedure, e.g., Elman, A Note Or Administrative Adjudication, 74 Yale L. J. 652, 654–55 (1965). See generally, Shapiro, The Choice of Rulemaking or Adjudication in the Development of Administrative Policy, 78 Harv. L. Rev. 921 (1965).

It is thus within the discretion of the Commissioner, subject to court review, to decide whether the circumstances warrant proceeding to enforce the act through interpretive guidelines that can be collaterally attacked in enforcement litigation or through substantive rules that are binding upon court appeal.

86. Some comments stated that, even if there were authority to issue substantive regulations, the proposed OTC drug procedures fail to meet Constitutional requirements, because they do not provide for an evidentiary hearing or cross-examination and there is no written record available for review. The regulations promulgated in this order governing the OTC review meet all the requirements of the Administrative Procedure Act and of due process of law. Neither the Administrative Procedure Act nor due process of law requires an evidentiary hearing. 5 U.S.C. 553 provides for a notice of proposed rule making, reference to the legal authority, and disclosure of the substance of the proposed rule. The agency must then give interested persons an opportunity to participate in the rule making through submission of written data, views, or arguments, with or without an opportunity for oral presentation. An evidentiary hearing is required under the Administrative Procedure Act only when it is required by other statutes. In the OTC drug review procedures, far greater procedural rights are granted than are required under the Administrative Procedure Act. Instead of a simple notice of proposed rule making giving the substance of the proposed rule, all interested persons have an opportunity, prior to any court review, to submit the data on which the proposed rule will be based and to request an oral hearing before the panel, to provide written comments and objections to the Commissioner, and to request an oral hearing before the Commissioner. In addition, interested organizations have an opportunity to recommend lists of experts to serve on the panels themselves. As noted in some comments, these procedural safeguards substantially exceed due process requirements. It is precisely because of the importance of the rules being developed, both to the public and to the industry, that the Commissioner has provided these extra precautions against promulgation of unwise, unfair, or unscientific monographs.

87. The comments argued that, even if the Food and Drug Administration had the authority to determine by rule making which drugs are generally recognized as safe and effective, there is no authority to set a standard to determine which drugs are misbranded, because the statute specifically provides for court adjudication of this issue. The legal authority to utilize a rule making rather than a case-by-case adjudication approach with respect to misbranding stands on no different footing than the legal authority to exercise rule making with respect to new drug status. Both instances involve explication, particularization, and definition of general statutory requirements as they apply to large numbers of products now on the market. Although the sheer magnitude and indeed impossibility of approaching this matter through case-by-case litigation (as demonstrated by the preamble to the proposal) is insufficient in itself to provide rule making authority if none already existed, the courts have long recognized that these factors are properly considered by an administrative agency in determining when existing rule making authority should be utilized.

88. One comment suggested that, since the monographs are being developed by panels, they can be no more than guidelines. The reports of the panels must, however, be based upon adequate scientific evidence which will be subject to scrutiny by the Commissioner, the public through comments, and court appeal. Accordingly, the fact that panels are developing the initial recommendations in no way detracts from their reliability, and indeed the scientific expertise of the panel members enhances medical credibility of the recommendations.

89. Similarly, most comments argued that, even if the agency has the authority to establish binding substantive rules, the 1938 and 1962 grandfather clauses preclude review of OTC drugs protected by them. The grandfather clauses apply only to the new drug provisions of the act, however, and not to the adulteration or misbranding provisions. The review contained in these regulations is designed to particularize not just the new drug provisions of the act, but also the misbranding provisions. Accordingly, the grandfather clauses in no way preclude the agency from reviewing, through a rule making procedure, the thousands of OTC drugs now on the market that are properly the subject of grandfather protection from the new drug provisions in order to make certain that they comply with the misbranding provisions of the act.

90. Some comments stated that it is inappropriate to particularize the misbranding provisions of the act through rule making, because every individual drug label must be reviewed in totality before a judgment can be made. Based upon long experience, however, the Food and Drug Administration has determined that OTC drugs can be grouped together by therapeutic categories for purposes of reviewing the sufficiency of labeling claims, directions for use, warning statements, and other labeling requirements. The task of establishing the parameters of misbranding is fundamentally the same as the task of establishing the parameters of general recognition of safety and effectiveness, and indeed it would be a gross waste of resources to attempt to separate these two aspects of what must be essentially one review of the scientific and medical basis for OTC drug products.

91. Finally, some comments have noted that paragraph (b) is gratuitous, since it merely states the legal enforcement position that the Food and Drug Administration intends to adopt in the event of subsequent regulatory action, and therefore should be deleted. It has been pointed out that there is no comparable statement of legal enforcement position in similar agency regulations. The Commissioner finds this comment persuasive, and accordingly has deleted all of paragraph (b). The parts of former paragraph (b) which related to taking regulatory action on nonconforming products and to new drug applications justifying deviation from a final monograph have been added as new subparagraphs (12) and (13) under paragraph (a). The comments have pointed out that the regulations will be substantially followed by industry. Accordingly, it may become unnecessary to institute a substantial amount of regulatory action to enforce final monographs. Development of a specific enforcement policy can await promulgation of final monographs after which the industry response will be apparent. The Commissioner at that time may adopt whatever enforcement policy is best suited to guarantee full compliance by all OTC drugs with the provisions of the act.

XIII (C) MONOGRAPHS PROMULGATED

92. The 26 proposed categories listed in the proposal were based on therapeutic categories of drugs to be reviewed. There were comments that the therapeutic categories for the panels should not use a therapeutic indication as their basis but should be grounded on disease indications. Since many, if not most, of the conditions which the OTC drugs seek to relieve are symptomatic in nature and may not be disease related, any category approach grounded on disease indications would cause at least as many if not more problems than the therapeutic category approach proposed by the Commissioner. Because the disease category approach is less reasonable than the therapeutic, it has been rejected.

93. There was also a request that the Commissioner designate the order in which each therapeutic category will be reviewed so that an interested person may prepare those submissions which are going to be reviewed next and not spend time on collecting data for those which are going to be reviewed later. This comment has merit, but the Commissioner is unable at this time to give the order in which these categories will be reviewed. This information will be made public as soon as it is available. It will, however, also be necessary to keep some flexibility in the system in the event that circumstances later require rearranging the tentative schedule.

94. Numerous comments concerned the "vitamin-mineral products" category, which appeared as subparagraph (11) in the proposal. Most comments stated that vitamin-mineral products are foods for special dietary purposes within the meaning of section 304(j) of the act and that it would be impossible to limit the

vitamin-mineral category to therapeutic products alone because such a term is difficult to define. It was also urged that, since vitamin-mineral products have been under Food and Drug Administration review as a result of the special dietary food hearings which lasted almost 2 years, to review OTC vitamin-mineral drug products before the results of those hearings were published would be to nullify all the time and effort spent by interested persons at the hearings. There is no intent by the Food and Drug Administration to review all vitamin-mineral products under these regulations. The special dietary food hearings covered foods, and this review will cover OTC drugs. Thus, the panel in this category will be concerned only with vitamin-mineral products which are drugs. The difficulty in drawing a line between vitamin-mineral products that are foods and those that are drugs only emphasizes the need for such a review.

95. In addition to the vitamin-mineral products, there were objections to a number of other therapeutic categories which appear in the proposal. It was stated that mouthwash products, hematenics, and dentifrices and dental products should not be reviewed since they are not drugs. All of these categories include some products for which drug claims are made and which therefore must be reviewed. Any product for which only cosmetic claims are made and which is therefore not a drug will not be reviewed.

96. It was suggested by some comments that a dermatological panel should be added to the 26 therapeutic categories to be reviewed. This comment has been accepted and the regulations changed to add a dermatological product category.

97. Because the Food and Drug Administration felt that menstrual products, which appeared as subparagraph (24) in the proposal, were adequately covered by other categories, that particular category had been deleted. To clarify the therapeutic name, some category names have been changed, i.e. antiinfective to antimicrobial, mouthwash to oral hygiene aids, and antihistamine to allergy treatment products. The category of oral hygiene aids will cover a much wider range than just mouthwash products while the substitution of allergy treatment products for antithistamines will reduce the category in that particular area. The reason for removing antihistamines is that antihistamines appear in a number of other categories listed, such as sleep aids and cold remedies. The Food and Drug Administration is requesting that each of these panels consider antihistamines as they are used in that therapeutic category, and the agency believes that allergy treatment products constitute a separate category. The category list which appears in the final order does not in fact mean that a separate panel will be convened to consider each individual category. There may be some areas in which a panel can consider more than one category. It is hoped that the number of panels can be reduced, but such a reduction will occur only if it will not affect the consideration given to each therapeutic category. It also may be necessary to convene more than one panel to cover those drugs in the miscellaneous category.

98. There was also comment that interested persons may hesitate to submit data and views on a particular therapeutic category or to appear before the panel or the Commissioner because such a submission might be construed as a waiver of the right later to raise appropriate legal or other objections to the monograph. For that reason the Commissioner has recognized that voluntary submissions of data pursuant to any request or any other form of cooperation with the Food and Drug Administration with respect to the OTC drug review does not constitute agreement with the legality of the procedure or the resulting monograph. Any person submitting data or information or otherwise cooperating with the review retains the right to challenge at any time any aspect of the procedure or monograph on any legal ground. The full cooperation and participation of all interested persons is requested in order to make this review as successful as possible.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 505, 701, 52 Stat. 1040–42 as amended, 1050–53 as amended, 1055–56 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 321, 352, 355, 371) and the Administrative Procedure Act (secs. 4, 10, 60 Stat. 238 and 243 as amended; 5 U.S.C. 553, 702, 703, 704) and under authority delegated to the Commissioner (21 CFR 2.120), Part 130 is amended by adding a new Subpart D consisting at this time of one section, as follows:

## Subpart D—Over-the-Counter Drugs Which Are Generally Recognized as Safe and Effective and Not Misbranded

### § 130.301 Over-the-counter (OTC) drugs for human use; procedures for rule making for the classification of OTC drugs as generally recognized as safe and effective and not misbranded under prescribed, recommended, or suggested conditions of use.

For purposes of classifying over-the-counter (OTC) drugs as drugs generally recognized among qualified experts as safe and effective for use and as not misbranded drugs, the following regulations shall apply:

(a) *Procedure for establishing OTC drug monographs*—(1) *Advisory review panels.* The Commissioner shall appoint advisory review panels of qualified experts to evaluate the safety and effectiveness of OTC drugs, to review OTC drug labeling, and to advise him on the promulgation of monographs establishing conditions under which OTC drugs are generally recognized as safe and effective and not misbranded. A single advisory review panel shall be established for each designated category of OTC drugs and every OTC drug category will be considered by a panel. The members of a panel shall be qualified experts (appointed by the Commissioner) and may include persons from lists submitted by organizations representing professional, consumer, and industry interests. The Commissioner shall designate the chairman of each panel. Summary minutes of all meetings shall be made.

(2) *Request for data and views.* The Commissioner will publish a notice in the FEDERAL REGISTER requesting interested persons to submit, for review and evaluation by an advisory review panel, published and unpublished data and information pertinent to a designated category of OTC drugs. Data and information submitted pursuant to a published notice, and falling within the confidentiality provisions of 18 U.S.C. 1905, 5 U.S.C. 552(b), or 21 U.S.C. 331(j), shall be handled by the advisory review panel and the Food and Drug Administration as confidential until publication of a proposed monograph and the full report(s) of the panel. Thirty days thereafter such data and information shall be made publicly available and may be viewed at the Office of the Hearing Clerk of the Food and Drug Administration, except to the extent that the person submitting it demonstrates that it still falls within the confidentiality provisions of one or more of those statutes. To be considered, eight copies of the data and/or views on any marketed drug within the class must be submitted, preferably bound, indexed, and on standard sized paper (approximately 8½ x 11 inches). When requested, abbreviated submissions should be sent. All submissions must be in the following format:

OTC DRUG REVIEW INFORMATION

I. Label(s) and all labeling (preferably mounted and filed with the other data—facsimile labeling is acceptable in lieu of actual container labeling).

II. A statement setting forth the quantities of active ingredients of the drug.

III. Animal safety data.

A. Individual active components.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

B. Combinations of the individual active components.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

C. Finished drug product.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

IV. Human safety data.

A. Individual active components.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

3. Documented case reports.

4. Pertinent marketing experiences that may influence a determination as to the safety of each individual active component.

5. Pertinent medical and scientific literature.

B. Combinations of the individual active components.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

3. Documented case reports.

4. Pertinent marketing experiences that may influence a determination as to the safety of combinations of the individual active components.

5. Pertinent medical and scientific literature.

C. Finished drug product.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

3. Documented case reports.

4. Pertinent marketing experiences that may influence a determination as to the safety of the finished drug product.

5. Pertinent medical and scientific literature.

V. Efficacy data.

A. Individual active components.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

3. Documented case reports.

4. Pertinent marketing experiences that may influence a determination on the efficacy of each individual active component.

5. Pertinent medical and scientific literature.

B. Combinations of the individual active components.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

3. Documented case reports.

4. Pertinent marketing experiences that may influence a determination on the efficacy of combinations of the individual active components.

5. Pertinent medical and scientific literature.

C. Finished drug product.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

3. Documented case reports.

4. Pertinent marketing experiences that may influence a determination on the efficacy of the finished drug product.

5. Pertinent medical and scientific literature.

VI. A summary of the data and views setting forth the medical rationale and purpose (or lack thereof) for the drug and its ingredients and the scientific basis (or lack thereof) for the conclusion that the drug and its ingredients have been proven safe and effective for the intended use. If there is an absence of controlled studies in the material submitted, an explanation as to why such studies are not considered necessary must be included.

(3) *Deliberations of an advisory review panel.* An advisory review panel will meet as often and for as long as is appropriate to review the data submitted to it and to prepare a report containing its conclusions and recommendations to the Commissioner with respect to the safety and effectiveness of the drugs in a designated category of OTC drugs. A panel may consult any individual or group. Any interested person may request an opportunity to present oral views to the panel; such request may be granted or denied by the panel. Such requests for oral presentations should be in written form including a summarization of the data to be presented to the panel. Any interested person may present written data and views which shall be considered by the panel. This information shall be presented to the panel in the format set forth in subparagraph (2) of this paragraph and within the time period established for the drug category in the notice for review by a panel.

(4) *Standards for safety, effectiveness, and labeling.* The advisory review panel, in reviewing the data submitted to it and preparing its conclusions and recommendations, and the Commissioner, in reviewing the conclusions and recommendations of the panel and the published proposed, tentative, and final monographs, shall apply the following standards to determine general recognition that a category of OTC drugs is safe and effective and not misbranded:

(i) Safety means a low incidence of adverse reactions or significant side effects under adequate directions for use and warnings against unsafe use as well as low potential for harm which may result from abuse under conditions of widespread availability. Proof of safety shall consist of adequate tests by methods reasonably applicable to show the drug is safe under the prescribed, recommended, or suggested conditions of use. This proof shall include results of significant human experience during marketing. General recognition of safety shall ordinarily be based upon published studies which may be corroborated by unpublished studies and other data.

(ii) Effectiveness means a reasonable expectation that, in a significant proportion of the target population, the pharmacological effect of the drug, when used under adequate directions for use and warnings against unsafe use, will provide clinically significant relief of the type claimed. Proof of effectiveness shall consist of controlled clinical investigations as defined in § 130.12(a)(5)(ii), unless this requirement is waived on the basis of a showing that it is not reasonably applicable to the drug or essential to the validity of the investigation and that an alternative method of investigation is adequate to substantiate effectiveness. Investigations may be corroborated by partially controlled or uncontrolled studies, documented clinical studies by qualified experts, and reports of significant human experience during marketing. Isolated case reports, random experience, and reports lacking the details which permit scientific evaluation will not be considered. General recognition of effectiveness shall ordinarily be based upon published studies which may be corroborated by unpublished studies and other data.

(iii) The benefit-to-risk ratio of a drug shall be considered in determining safety and effectiveness.

(iv) An OTC drug may combine two or more safe and effective active ingredients and may be generally recognized as safe and effective when each active ingredient makes a contribution to the claimed effect(s); when combining of the active ingredients does not decrease the safety or effectiveness of any of the individual active ingredients; and when the combination, when used under adequate directions for use and warnings against unsafe use, provides rational concurrent therapy for a significant proportion of the target population.

(v) Labeling shall be clear and truthful in all respects and may not be false or misleading in any particular. It shall state the intended uses and results of the product; adequate directions for proper use; and warnings against unsafe use, side effects, and adverse reactions in such terms as to render them likely to be read and understood by the ordinary individual, including individuals of low comprehension, under customary conditions of purchase and use.

(vi) A drug shall be permitted for OTC sale and use by the laity unless, because of its toxicity or other potential for harmful effect or because of the method or collateral measures necessary to its use, it may safely be sold and used only under the supervision of a practitioner licensed by law to administer such drugs.

(5) *Advisory review panel report to the Commissioner.* An advisory review panel shall submit to the Commissioner a report containing its conclusions and recommendations with respect to the conditions under which OTC drugs falling within the category covered by the panel are generally recognized as safe and effective and not misbranded. Included within this report shall be:

(i) A recommended monograph or monographs covering the category of OTC drugs and establishing conditions under which the drugs involved are generally recognized as safe and effective and not misbranded. This monograph may include any conditions relating to active ingredients, labeling indications, warnings and adequate directions for use, prescription or OTC status, and any other conditions necessary and appropriate for the safety and effectiveness of drugs covered by the monograph.

(ii) A statement of all active ingredients, labeling claims or other statements, or other conditions reviewed and excluded from the monograph on the basis of the panel's determination that they would result in the drug's not being generally recognized as safe and effective or would result in misbranding.

(iii) A statement of all active ingredients, labeling claims or other statements, or other conditions reviewed and excluded from the monograph on the basis of the panel's determination that the available data are insufficient to classify such condition under either subdivision (i) or (ii) of this subparagraph and for which further testing is therefore required. The report may recommend the type of further testing required and the time period within which it might reasonably be concluded.

(6) *Proposed monograph.* After reviewing the conclusions and recommendations of the advisory review panel, the Commissioner shall publish in the FEDERAL REGISTER a proposed order containing:

(i) A monograph or monographs establishing conditions under which a category of OTC drugs is generally recognized as safe and effective and not misbranded.

(ii) A statement of the conditions excluded from the monograph on the basis of the Commissioner's determination that they would result in the drug's not being generally recognized as safe and effective or would result in misbranding.

(iii) A statement of the conditions excluded from the monograph on the

basis of the Commissioner's determination that the available data are insufficient to classify such conditions under either subdivision (i) or (ii) of this subparagraph.

(iv) The full report(s) of the panel to the Commissioner.

The proposed order shall specify a reasonable period of time within which conditions falling within subdivision (iii) of this subparagraph may be continued in marketed products while the data necessary to support them are being obtained for evaluation by the Food and Drug Administration. The summary minutes of the panel meetings shall be made available to interested persons upon request. Any interested person may, within 60 days after publication of the proposed order in the FEDERAL REGISTER, file with the Hearing Clerk of the Food and Drug Administration written comments in quintuplicate. Comments may be accompanied by a memorandum or brief in support thereof. All comments may be reviewed at the office of the Hearing Clerk during regular working hours, Monday through Friday. Within 30 days after the final day for submission of comments, reply comments may be filed with the Hearing Clerk; these comments shall be utilized to reply to comments made by other interested persons and not to reiterate a position.

(7) *Tentative final monograph.* After reviewing all comments and reply comments, the Commissioner shall publish in the FEDERAL REGISTER a tentative order containing a monograph establishing conditions under which a category of OTC drugs is generally recognized as safe and effective and not misbranded. Within 30 days, any interested party may file with the Hearing Clerk of the Food and Drug Administration written objections specifying with particularity the omissions or additions requested. These objections are to be supported by a brief statement of the grounds therefor. A request for an oral hearing may accompany such objections.

(8) *Oral hearing before the Commissioner.* After reviewing objections filed in response to the tentative final monograph, the Commissioner, if he finds reasonable grounds in support thereof, shall by notice in the FEDERAL REGISTER schedule an oral hearing. The notice scheduling an oral hearing shall specify the length of the hearing and how the time shall be divided among the parties requesting the hearing. The hearing shall be conducted by the Commissioner and may not be delegated.

(9) *Final monograph.* After reviewing the objections and considering the arguments made at any oral hearing, the Commissioner shall publish in the FEDERAL REGISTER a final order containing a monograph establishing conditions under which a category of OTC drugs is generally recognized as safe and effective and not misbranded. The monograph shall become effective as specified in the order.

(10) *Court appeal.* The monograph contained in the final order constitutes final agency action from which appeal lies to the courts. The Food and Drug Administration will request consolidation of all appeals in a single court. Upon court appeal, the Commissioner may, at his discretion, stay the effective date for part or all of the monograph pending appeal and final court adjudication.

(11) *Amendment of monographs.* The Commissioner may propose on his own initiative to amend or repeal any monograph established pursuant to this section. Any interested person may petition the Commissioner for such proposal. A petition shall set forth the action requested and a detailed statement of the grounds in support of such action. After review of a petition, the Commissioner may deny the petition if he finds a lack of safety or effectiveness employing the standards in subparagraph (4) of this paragraph (in which case the appeal provisions of subparagraph (10) of this paragraph shall apply) or he may publish a proposed amendment or repeal in the FEDERAL REGISTER if he finds general recognition of safety and effectiveness employing the standards in subparagraph (4) of this paragraph (in which case the provisions of subparagraphs (6), (7), (8), and (9) of this paragraph shall apply). A new-drug application may be submitted in lieu of or in addition to a petition under this paragraph.

(12) *Regulatory action.* Any product which fails to conform to an applicable monograph after its effective date is liable to regulatory action.

(13) *NDA deviations from applicable monographs.* A new-drug application requesting approval of an OTC drug deviating in any respect from a monograph that has become final shall be in the form required by § 130.4(a)(2) but shall include a statement that the product meets all conditions of the applicable monograph except for the deviation for which approval is requested and may omit all information except that pertinent to the deviation.

(b) Monographs promulgated pursuant to the provisions of this section shall be established in this Subpart D and shall cover the following designated categories:

(1) Antacids.
(2) Laxatives.
(3) Antidiarrheal products.
(4) Emetics.
(5) Antiemetics.
(6) Antiperspirants.
(7) Sunburn prevention and treatment products.
(8) Vitamin-mineral products.
(9) Antimicrobial products.
(10) Dandruff products.
(11) Oral hygiene aids.
(12) Hemorrhoidal products.
(13) Hematinics.
(14) Bronchodilator and antiasthamatic products.
(15) Analgesics.
(16) Sedatives and sleep aids.
(17) Stimulants.
(18) Antitussives.
(19) Allergy treatment products.
(20) Cold remedies.
(21) Antirheumatic products.
(22) Ophthalmic products.
(23) Contraceptive products.
(24) Miscellaneous dermatologic products.
(25) Dentifrices and dental products such as analgesics, antiseptics, etc.
(26) Miscellaneous (all other OTC drugs not falling within one of the above therapeutic categories).

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies. Received objections may be seen in the above office during working hours, Monday through Friday.

*Effective date.* This order shall become effective 60 days after its date of publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be given by publication in the FEDERAL REGISTER.

Dated: May 8, 1972.

CHARLES C. EDWARDS,
*Commissioner of Food and Drugs.*

[FR Doc.72-7190 Filed 5-10-72;8:52 am]

# Title 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

## Chapter I—Patent Office, Department of Commerce

## PART 1—RULES OF PRACTICE IN PATENT CASES

## PART 2—RULES OF PRACTICE IN TRADEMARK CASES

### Appeal to U.S. Court of Customs and Patent Appeals

The Commissioner of Patents is amending §§ 1.301 and 2.145 of the rules of practice to set forth the time in which an order for transmitting a transcript to the Court of Customs and Patent Appeals should be filed in the Patent Office. Additionally, for the purpose of clarification, all references to "subsection" in § 2.145 have been amended to read "paragraph." These amendments do not effect any change in practice, but merely notify parties filing appeals of the time necessary for the Patent Office to copy and certify a transcript. Since these

changes impose no burden on any person, notice and public procedure thereon are deemed unnecessary.

Therefore, pursuant to the authority contained in section 41 of the Act of July 5, 1946 (60 Stat. 440; 15 U.S.C. 1123), and section 6 of the Act of July 19, 1952 (66 Stat. 793; 35 U.S.C. 6), Parts 1 and 2 of Chapter I of Title 37 of the Code of Federal Regulations are hereby amended as follows:

1. Section 1.301 is amended by adding a new sentence at the end. As amended, § 1.301 reads as follows:

**§ 1.301 Appeal to U.S. Court of Customs and Patent Appeals.**

Any applicant dissatisfied with the decision of the Board of Appeals, and any party to an interference dissatisfied with the decision of the Board of Patent Interferences, may appeal to the U.S. Court of Customs and Patent Appeals. The appellant must take the following steps in such an appeal: (a) In the Patent Office give notice to the Commissioner and file the reasons of appeal (see §§ 1.302 and 1.304); (b) in the court, file a petition of appeal and a certified transcript of the record within a specified time after filing the reasons of appeal, and pay the fee for appeal, as provided by the rules of the court. The transcript will be transmitted to the Court by the Patent Office on order of and at the expense of the appellant. Such order should be filed with the notice of appeal, but in no case should it be filed later than 15 days thereafter.

2. In § 2.145, paragraph (a) is amended by adding a sentence at the end; paragraphs (b), (c), and (d) are amended by substituting "paragraph" for "subsection." As amended, § 2.145 reads as follows:

**§ 2.145 Appeal to court and civil action.**

(a) *Appeal to U.S. Court of Customs and Patent Appeals.* An applicant for registration, or any party to an interference, opposition, or cancellation proceeding or any party to an application to register as a concurrent user, hereinafter referred to as inter partes proceedings, who is dissatisfied with the decision of the Trademark Trial and Appeal Board and any registrant who has filed an affidavit or declaration under section 8 of the act or who has filed an application for renewal and is dissatisfied with the decision of the Commissioner (§§ 2.165, 2.184), may appeal to the U.S. Court of Customs and Patent Appeals. The appellant must take the following steps in such an appeal: (1) In the Patent Office give notice to the Commissioner and file the reasons of appeal (see paragraphs (b) and (d) of this section); (2) in the court, file a petition of appeal and a certified transcript of the record within a specified time after filing the reasons of appeal, and pay the fee for appeal, as provided by the rules of the court. The transcript will be transmitted to the Court by the Patent Office on order of and at the expense of the appellant. Such order should be filed with the notice of appeal, but in no case should it be filed later than 15 days thereafter.

(b) *Notice and reasons of appeal.* (1) when an appeal is taken to the U.S. Court of Customs and Patent Appeals, the appellant shall give notice thereof to the Commissioner, and file in the Patent Office, within the time specified in paragraph (d) of this section, his reasons of appeal specifically set forth in writing.

(2) In inter partes proceedings, the notice and reasons must be served as provided in § 2.119.

(c) *Civil action.* (1) Any person who may appeal to the U.S. Court of Customs and Patent Appeals (paragraph (a) of this section), may have remedy by civil action under section 21(b) of the act. Such civilization must be commenced within the time specified in paragraph (d) of this section.

(2) If an applicant or registrant in an ex parte case has taken an appeal to the U.S. Court of Customs and Patent Appeals, he thereby waives his right to proceed under section 21(b) of the act.

(3) If a party to an inter partes proceeding has taken an appeal to the U.S. Court of Customs and Patent Appeals, and any adverse party to the case shall, within 20 days after the appellant shall have filed notice of the appeal to the court (paragraph (b) of this section), file notice with the Commissioner that he elects to have all further proceedings conducted as provided in section 21(b) of the act, certified copies of such notices will be transmitted to the U.S. Court of Customs and Patent Appeals for such action as may be necessary. The notice of election must be served as provided in § 2.119.

(d) *Time for appeal or civil action.* The time for filing the notice and reasons of appeal to the U.S. Court of Customs and Patent Appeals (paragraph (b) of this section), or for commencing a civil action (paragraph (c) of this section), is 60 days from the date of the decision of the Trademark Trial and Appeal Board or the Commissioner, as the case may be. If a petition for rehearing or reconsideration is filed within 30 days after the date of the decision, the time is extended to 30 days after action on the petition. No petition for rehearing or reconsideration filed outside the time specified herein after such decision, nor any proceedings on such petition shall operate to extend the period of 60 days hereinabove provided. The times specified herein are calendar days. If the last day of time specified for appeal, or commencing a civil action falls on a Saturday, Sunday, or legal holiday, the time is extended to the next day which is neither a Saturday, Sunday, nor a holiday. If a party to an inter partes proceeding has taken an appeal to the U.S. Court of Customs and Patent Appeals and an adverse party has filed notice under section 21(a)(1) of the act that he elects to have all further proceedings conducted under section 21(b) of the act, the time for filing a civil action thereafter is specified in section 21(a)(1) of the act.

*Effective date.* This amendment will become effective upon its publication in the FEDERAL REGISTER (5-11-72).

Dated: May 1, 1972.

ROBERT GOTTSCHALK,
*Commissioner of Patents.*

Approved: April 28, 1972.

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

[FR Doc.72-7159 Filed 5-10-72;8:49 am]

# Title 40—PROTECTION OF ENVIRONMENT

## Chapter I—Environmental Protection Agency

### SUBCHAPTER E—PESTICIDES PROGRAMS

## PART 164—RULES GOVERNING THE APPOINTMENT, COMPENSATION, AND PROCEEDINGS OF AN ADVISORY COMMITTEE; AND RULES OF PRACTICE GOVERNING HEARINGS UNDER THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

### Subpart C—Rules of Practice Governing Hearings

On January 22, 1972, this Agency published proposed rules of practice governing hearings under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135b, 135d) in the FEDERAL REGISTER, 37 F.R. 4298. The notice of proposed rule making announced that interested persons could file comments on the proposal. The time for commenting on Subparts A and B of the proposed rules was extended by notice published at 37 F.R. 4298. Many comments have been received on all parts of the rules. All comments have been taken into account in revising the proposed rules for Subpart C which are issued and made effective at this time. An explanation of each of the revisions is set forth below.

*Section 164.21(a).* The inclusion of the registration number in the list of items to be set forth with objections is a technical change. Occasionally objections have been filed by a manufacturer which do not specify which of the several pesticides registered by that manufacturer are the subject of the objections. The amendment will clarify the objections.

*Section 164.21(b).* The insertion of "commencement of" is a technical revision. The sentence was ambiguous and the language is added for clarity.

*Section 164.22.* The added langauge corrects an omission. It is intended that in case of either cancellation or denial of registration the Administrator file the notice or order upon which the objections and request for a public hearing are based.

*Section 164.23.* Comments received on this section pointed out that the practical effect of eliminating the required answer is to leave the applicant or registrant with very little information on the issues involved in the refusal to register or the cancellation. The comments assumed that the notice of refusal or of cancellation would be phrased in general terms only and that the consequence of this would be that the manufacturer would be required to set forth his entire case while having no idea of the Agency's case.

The revised section states that the Agency may be required to file an answer at the discretion of the examiner. When Subpart A of the rules is revised, it will include a requirement that notices of refusal to register or notices of cancellation or suspension set forth with specificity findings and conclusions and a statement of the reasons for the Agency's action. This guideline will describe the information to be set forth in such notices. Thus, it is contemplated that the objections raised in the comments will be satisfied by the revision of Subpart A; with the notice, the manufacturer will be apprised of the information upon which the decision is based. Prior to the finalizing Subpart A of these rules the Agency will continue to comply with this practice. In addition, the expanded scope of the pretrial conference and the requirement that the Agency present its case first in cancellation proceedings will remain so that the manufacturer will be fully aware of the nature of the Agency's case.

The amendment to the proposed rule provides flexibility should the examiner decide that the notice of refusal or cancellation or suspension is not sufficiently complete and that an answer is needed before the pretrial conference. The recommendations that an answer be made mandatory were rejected because the Agency believes that the notice or order is the better place for the basis of the Agency's decision to be set forth. The flexibility now provided insures that the applicant or registrant will have the facts necessary to frame the issues to be presented at the hearing.

*Section 164.24(a).* The amendment corrects a typographical error.

*Section 164.24(c).* The comments pointed out that as written the proposed rules might be understood to say that the Administrator or examiner could extend the time period for the filing of responses to motions but could not shorten that period. That interpretation was not intended, and the rule is revised to make it explicit that the usual 10-day period may be either extended or shortened. It is the Agency's intention that the Administrator or the examiner be able to adjust the time period for filing responses as deemed appropriate in the circumstances.

Some comments expressed disagreement with the provision of this section stating that a reply for an answer to a motion can only be made with the specific permission of the Administrator. These comments urged that instead there be a right to reply. Upon consideration of the comments and consideration of the intent behind this provision, it was decided not to establish an absolute right of reply. The possibility of filing a reply is not taken from the parties. Their rights are protected should it be that a response to a motion clearly needs to be answered. It is within the discretionary power of the examiner, who will have both the motion and response before him, to allow the movant to reply.

*Section 164.25(a).* On the suggestion that the last phrase of the first sentence was unnecessary, the section was revised with that portion deleted. The purpose of that phrase is met by the earlier phrase requiring the position and interest of the petitioner to be set forth in the petition for leave to intervene.

*Section 164.25(d).* Comments on this section raised two points. The first was that use of the words "reasonably" and "unreasonably" give too much latitude to the petition for leave to intervene and could result in the expansion of the issues presented beyond the original focus of the hearing. Comments pointed out that there should be no broadening of the issues in that the hearing procedure was set up to provide a public decisionmaking process on the questions presented by an order of cancellation or suspension or refusal to register. This objection was accepted and the words deleted.

The second point raised in the comments concerned the status of persons granted permission to intervene. It was intended that intervenors have the status of the original parties to the proceeding. In the interest of clarity, a sentence to that effect has been added.

*Section 164.25(e).* The comments raised the matter of persons who wish to submit briefs on a certain point but do not wish to intervene in the proceedings. In the proposed rules, it was noted, there is no provision which allows such action. In response to the comments, this new subsection is added. Amicus briefs may now be filed at the hearing stage and at the appeals stage, should there be one.

*Section 164.26.* The reaction to this new provision establishing limited discovery procedures was generally favorable. Inclusion of any discovery procedures will benefit all parties. Some comments suggested, however, that in view of the absence of subpoena power, the section would in effect provide only for the perpetuation of favorable testimony for later introduction at the hearing. Moreover, one party might take the deposition of a favorable witness orally while another party might not be able to attend and would be forced to cross-examine through written questions. A related objection was made to the provision for depositions to be taken by written questions on the grounds that cross-examination under those circumstances is usually of little value.

Section 164.26(d) is amended to reflect both problems raised by the comments. Written questions for cross-examination will be submitted after the deponent has answered questions on direct examination. This arrangement protects the interests of all parties, should one party receive permission to take a written deposition as provided by subparagraph (2) of this paragraph.

In connection with the taking of depositions, comments further suggested that complete discovery procedures, as provided in the Federal Rules of Civil Procedure, be included in these rules. The Agency believes that full discovery in accordance with those provisions is inappropriate for proceedings under the Act. The issues to be considered in the hearing are defined by the order of cancellation or suspension or denial of registration and the objections thereto filed by the registrant or applicant. Thus, prevention of surprise, one of the main purposes of discovery for a trial, is not relevant here. To the extent notice is required, it is provided by the prehearing conference and related procedures. Another purpose for discovery in litigation is to shorten the time actually spent at trial. But in proceedings under the Act, full discovery would have the effect of delaying the start of the hearing and thus delay a final decision on cancellation, suspension or registration, which Congress intended should be rendered as soon as possible.

The other revisions of paragraph (a), (b), (e), (f), and (g) are changes which eliminate ambiguities and repetitive language.

*Section 164.29(a).* The amendment of this section reflects recommendations that the prehearing conference deal with as many matters as possible. Consideration of use of verified statements is included on that basis. Use of verified statements for complex scientific evidence simplifies proceedings in which such evidence is extensively used.

In order to expedite the hearing and give all parties adequate notice of other parties' evidence, a requirement has also been added that a list of witnesses and the documents to be presented at the hearing be supplied at the conference.

The deletion from paragraph (b) is meant to insure that all parties have notice of any prehearing matters disposed of by correspondence between the examiner and a party.

*Section 164.30(d).* The proposed rules (§ 164.33(d)) required in connection with argument on objections, require that the proceedings be "on the record" unless all parties consented to going "off the record." The amendment makes this requirement applicable to all aspects of the hearing.

*Section 164.30(e).* In line with the comments, the revision of this section makes it clear that a hearing may continue without abatement in the event an examiner is disqualified or withdraws as well as in the event an examiner becomes disabled.

*Section 164.31(b)(1).* Many comments objected to the Administrator having authority to disqualify from appearing in

the hearing any attorney or representative of a party. The provision has been deleted.

The revision of subparagraph (2) corrects a typographical error.

*Section 164.31(c)*. Issuance or revision of this section is reserved pending further consideration.

*Section 164.32*. The consensus of the comments on this section was that the manufacturer should not be required to present its case first in all instances. The revised section provides in the case of cancellation that the proponent of the order will proceed first. If the hearing is being held pursuant to a refusal of registration, the applicant still proceeds first.

The ultimate burden of persuasion, however, still lies with the applicant or registrant to show the product should be registered whether a hearing be on a denial of registration or an order of suspension of cancellation.

*Section 164.33(a)*. The addition specifying that all testimony be oral is intended to stress that witnesses be available for cross-examination unless otherwise specified by the rules.

One comment suggested that this subsection gives the examiner the authority to exclude cross-examination without permitting the party to state the areas proposed to be covered. That is not the intention of the section. The language indicates that parties will be entitled to apprise the examiner of the purpose of the proposed cross-examination. No amendment is necesary.

*Section 164.33(b)*. An ambiguity in this section was brought to light by the comments. This provision was not intended to exclude from a hearing a relevant advisory committee report on the poison at issue simply because the report concerned a product different from the one in issue at the hearing.

*Section 164.33(d)*. The language is changed to clarify that an automatic exception follows in all circumstances.

*Section 164.33(e)*. This entire paragraph is deleted. It was intended to adopt the Business Records Statute, but this is unnecessary since any evidence admissible under rules of evidence applicable to judicial proceedings will be admissible at the Agency's hearings.

*Section 164.33(g) (now (f))*. According to the comments this section was unclear and perhaps erroneous if it provided that official notice could be taken of any document published by the Federal Government. The revised rule now adheres to Federal judicial practice. The admissibility of Government publications turns on the same principles applicable to other documents.

*Section 164.33(i) (now (h))*. Some comments suggested that this section be expanded to cover the direct testimony of all witnesses so that it be mandatory that all direct testimony would be submitted as written statements prior to the time of introduction of the witness. Such a procedure is thought to be too confining for the witness and the parties. The revision of the prehearing conference rules to include consideration of use of verified statements and the requirement that a list of experts together with a brief narrative of their testimony be presented at the prehearing conference meets the purpose of the recommendation. Those procedures will provide the parties with adequate time to prepare for cross-examination of the witnesses.

*Section 164.34(b)*. This section is amended, as suggested by the comments, to insure that parties or interested persons have access to the record though they may be unable to purchase a copy of the transcript.

*Section 164.35*. This section was intended to provide that parties who wished to do so could submit briefs on the evidence and/or proposed findings of fact or law. The comments pointed out that there should be an opportunity to respond to the briefs of other parties. In accordance with that suggestion, the time schedule is revised. Parties will file simultaneous briefs and then will have an opportunity to file simultaneous responses. No sequential order for the filing of these briefs is established because they are meant to be only summaries of the evidence adduced at the hearing and of the law relied on. A provision is included which gives the examiner the authority to extend the time for the filing of briefs.

*Section 164.37*. The comments proposed eliminating the requirement that an appendix be filed with exceptions or objections to the examiner's recommended decision, since such an appendix, as specified in the rule, could be quite costly. The revision provides that the Administrator may permit a party to dispense with an appendix and instead, designate relevant portions of the record or decision.

*Section 164.43(a)*. Writers suggested that the responsibility for serving copies of documents should rest with the party filing the document rather than with the hearing clerk. The burdens of other duties may make it difficult for the clerk to insure that the copies are promptly mailed for service. The rule as revised provides that the parties shall be responsible for serving copies of documents which they file.

*Section 164.44(b)*. This section is revised to adopt the language of the Federal Rules of Civil and Appellate Procedure with respect to the computation of time when service is made by mail. The revisions meet the objection that service by mail often shortens the actual time within which responding to a document is allowed.

*Section 164.44(c)*. The first revision conforms this section to § 164.24(c). The other revisions are stylistic and make the section clearer.

The following is the revised Subpart C of the proposed Rules of Practice Governing Hearings under Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135b, 135d) published in the FEDERAL REGISTER, volume 37, No. 15, January 22, 1972. Subpart C of those rules, as so revised, is hereby adopted.

Subpart C—Rules of Practice Governing Hearings

Sec.



AUTHORITY: The provisions of this Subpart C issued under sections 4 and 6 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 135b, 135d).

## Subpart C—Rules of Practice Governing Hearings

### § 164.20 Docketing of request for hearing.

Whenever a document setting forth objections and requesting a public hearing is filed with the hearing clerk, the matter shall be docketed and assigned and "I.F.&R." docket number: *Provided*, That if the matter has previously been assigned an "I.F.&R." number pursuant to § 164.10, it shall be assigned that same number. Notice of the filing of such objection shall be given to the public by appropriate announcement in the FEDERAL REGISTER.

### § 164.21 Contents of document setting forth objections.

(a) *Concise statement required.* Any document containing objections to an order of the Administrator refusing to register an economic poison or determining to cancel or suspend the registration of such a product, shall clearly and concisely set forth such objections and the basis for each objection, including relevant allegations of fact concerning the economic poison under consideration. The document shall indicate the registration number of the economic poison involved.

(b) *Amendments to objections.* Objections may be amended at any time prior to the commencement of the public hearing by leave of the examiner or by written consent of all adverse parties. The examiner shall freely grant such leave when justice so requires. If the examiner determines that additional time is necessary in order to permit a party to prepare for matters raised by amendments to objections, the commencement of the

hearing shall be delayed for an appropriate period.

**§ 164.22 Filing copies of notification respecting registration.**

After a copy of the document setting forth the objections and requesting a public hearing is served upon the Administrator, the Administrator shall file with the hearing clerk a copy of the notice of cancellation or suspension of the registration of such economic poison or the registration refusal order.

**§ 164.23 Answer to objections.**

The filing of an answer to objections is not required. If the examiner finds that the notice of cancellation or suspension or denial of registration does not sufficiently articulate the reasons for such action, he may require the Agency to file an answer. The answer shall be filed within 30 days of receipt of the examiner's order.

**§ 164.24 Motions and requests.**

(a) *General.* All motions and requests except those made orally during the course of a public hearing must be in writing and shall be filed with the hearing clerk. The examiner is authorized to rule upon all motions and requests filed or made prior to the filing of his report with the hearing clerk as hereinafter provided in § 164.36. The Administrator will rule upon all motions and requests filed after that time.

(b) *Motions.* All motions and requests concerning the sufficiency of the objections must be made within 30 days after service of the objections. All such motions and requests shall state with particularity the ground upon which the objection is alleged to be insufficient and shall state the nature of the relief requested.

(c) *Answers to motions and requests.* Within 10 days after service of any written motion or request filed pursuant to this subpart, or within such other time as may be fixed by the Administrator or examiner, an opposing party shall file an answer to the motion or request or shall be deemed to have no objection to the granting of the relief asked for in the motion or request. Unless specifically permitted by the Administrator or the examiner on motion made by a party, the movant shall have no right to respond to the answer to his motion.

(d) *Certification of interlocutory issues to the Administrator.* Except as provided herein, appeals shall lie to the Administrator only from a final judgment by the hearing examiner. Appeals from other rulings will, except as provided in this section, lie only if the examiner certifies such rulings for appeal. The examiner shall certify a ruling for appeal to the Administrator when: (1) The ruling involves an important question of law or policy about which there is substantial ground for difference of opinion; and (2) either an immediate appeal from the ruling will materially advance the ultimate termination of the proceeding or review after the final judgment is issued will be inadequate or ineffective. The examiner shall certify rulings for appeal only upon the request of a party. If the Administrator determines that certification was improvidently granted, or takes no action within 30 days of the certification, the appeal shall be deemed dismissed. When a ruling is not certified by the examiner, it shall be reviewed by the Administrator only upon appeal from the final judgment except when the Administrator determines, upon request of a party and in exceptional circumstances, that delaying review would be deleterious to vital public or private interests. Except under extraordinary circumstances, proceedings will not be stayed pending an interlocutory appeal; a stay of more than 30 days must be approved by the Administrator. Ordinarily, the interlocutory appeal will be decided on the basis of the submission made to the examiner, but the Administrator may allow further briefs and oral argument.

**§ 164.25 Intervention.**

(a) *Pleading.* Any person may file a petition for leave to intervene in a hearing conducted under this Subpart. A petition must set forth the grounds for the proposed intervention and the position and interest of the petitioner in the proceeding.

(b) *When filed.* A petition for leave to intervene in a hearing may be filed any time prior to the commencement of the hearing. Any petition filed after that time shall contain, in addition to the information set forth in paragraph (a) of this section, a statement of good cause for the failure to file the petition prior to the commencement of the hearing. A motion to intervene for the purpose of appeal may be filed and submitted to the Administrator.

(c) *Reply.* Any opposition to a petition for leave to intervene must be filed within 10 days after service of the petition.

(d) *Disposition.* Leave to intervene will be freely granted but only insofar as it raises matters which are pertinent to and do not broaden the issues already presented. If leave is granted, the petitioner shall thereby become a party with the full status of the original parties to the proceedings. If leave is denied, petitioner may request the ruling be certified to the Administrator, pursuant to § 164.24(d), for a speedy appeal.

(e) *Amicus curiae.* (1) Persons not parties to the proceedings wishing to file briefs may do so by leave of the examiner granted on motion. A motion for leave shall identify the interest of the applicant and shall state the reasons why a brief of an amicus curiae is desirable.

(2) Unless all parties otherwise consent, an amicus curiae shall file its brief within the time allowed the party whose position the brief will support. Upon a showing of good cause, the Administrator or examiner may grant permission for later filing.

**§ 164.26 Depositions.**

(a) *Application for taking deposition.* Upon the application of a party to the proceeding, the examiner may, at any time after the filing of the moving paper, authorize, under the facsimile signature of the Administrator, the taking of testimony by deposition of a person willing to be deposed. The application shall be in writing and shall be filed with the hearing clerk and shall set forth: (1) The name and address of the proposed deponent; (2) the name and address of the person (referred to in this section as the "officer"), qualified under the rules in this part to take depositions, before whom the proposed examination is to be made; and (3) the proposed time and place of the examination, which should be at least 15 days after the date of the mailing of the application.

(b) *Examiner's order for taking deposition.* Upon receipt of an application to take a deposition, the examiner may order the deposition be taken. The order shall be filed with the hearing clerk and shall be served upon the parties and shall state: (1) The time and place of the examination (which shall not be less than 10 days after the filing of the order); (2) the name of the officer before whom the examination is to be made; and (3) the name of the deponent. The officer and the time and place need not be the same as those suggested in the application.

(c) *Qualifications of officer.* The deposition shall be made before the examiner, or before an officer authorized by the law of the United States or by the law of the place of the examination to administer oaths, or before an officer authorized by the Administrator to administer oaths. No deposition shall be made before an officer who is a relative (within the third degree of blood or marriage), employee, attorney, or counsel of any party or who is a relative (within the third degree by blood or marriage) or employee of any attorney or counsel for any party or who is financially interested in the result of the proceeding.

(d) *Procedure on examination.* (1) Except as otherwise provided herein, a deponent shall be examined in accordance with the Federal Rules of Civil Procedure. The testimony of the deponent shall be recorded by the officer or by some person under his direction and in his presence. In lieu of oral cross-examination, parties may transmit written cross-questions to the officer prior to the examination and the officer shall propound such cross-questions to the deponent.

(2) The applicant must arrange for the examination of the witness either by oral examination or by written questions. If it is found by the examiner, upon protest of a party to the proceeding, that such party has his residence and his place of business more than 100 miles from the place of the examination and that it would constitute an undue hardship upon such party to be represented at the examination, the applicant will be required to conduct the examination by means of questions. When the examination is conducted by means of written questions, copies of the questions shall be served upon the other parties to the proceeding prior to the

examination. After the deponent has submitted his answers, copies of those answers shall be served upon all parties. Within five (5) days of service of a copy of deponent's answers, any of the parties other than the party taking the deposition may file with the officer cross-questions to be submitted to deponent.

(e) *Signature by witness.* The transcript of the deposition shall be read to or by the deponent, unless such reading is waived by the parties and the deponent. Any changes which the deponent wishes to make shall be entered upon the deposition by the officer, with a statement of the reasons given by the deponent for such changes. The changes may not be substantive in nature. The deposition shall be signed by the deponent, unless the parties by stipulation waive such signing, or unless the deponent is ill or cannot be found or refuses to sign. If the deponent does not sign the officer shall sign and shall state on the record the reason why the deponent did not sign. In such case the deposition shall be as valid as though signed by the deponent, unless the examiner finds that the reason given by the deponent for his refusal to sign requires rejection of the deposition in whole or in part.

(f) *Certification by officer.* The officer shall certify on the deposition that the deponent was duly sworn by him and that the deposition is a true record of the deponent's testimony. He shall then send the deposition and two copies thereof by registered mail to the hearing clerk.

(g) *Use of depositions.* A deposition ordered and taken in accord with the provisions of this section, and with the provisions of the Federal Rules of Civil Procedure, may be used in a proceeding under the act if the examiner finds that the evidence is relevant and material and (1) that the witness is dead; or (2) that the witness is at a greater distance than 100 miles from the place of hearing, unless it appears that the absence of the witness was procured by the party offering the deposition; or (3) that the witness is unable to attend or testify because of age, sickness, infirmity, or imprisonment; or (4), in any event, upon application and notice that such exceptional circumstances exist as to make it desirable, in the interests of justice and with due regard to the importance of presenting the testimony orally before the examiner, to allow the deposition to be used. If any part of a deposition is put in evidence by a party, any other party may require the production of the remainder, or any portion, of the deposition.

**§ 164.27 Fees of witnesses.**

Witnesses who appear before the examiner or the Administrator shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken, and the persons taking the same, shall be entitled to the same fees as are paid for like services in the courts of the United States. Fees shall be paid by the party at whose instance the witness appears or the deposition is taken.

**§ 164.28 Consolidation.**

Whenever it appears to the examiner, by motion or otherwise, that it will expedite or simplify consideration of the issues in two or more docketed proceedings involving the same economic poison under this subpart, he may consolidate such proceedings. Consolidation shall not preclude the right of any party to raise issues that could otherwise be raised if such consolidation had not occurred. At the conclusion of proceedings consolidated under this section, the examiner shall issue one report under § 164.36.

**§ 164.29 Prehearing conference.**

(a) Except as otherwise provided herein, the examiner shall, prior to the commencement of the hearing and for the purpose of expediting the hearing, file with the hearing clerk an order for a prehearing conference. Such order shall direct the parties or their counsel to consider (1) the simplification of issues; (2) the necessity or desirability of amendments to the pleadings; (3) the possibility of obtaining stipulations of fact and documents which will avoid unnecessary proof; (4) the limitation of the number of experts and other witnesses; (5) the use of verified statements in lieu of oral direct testimony; and (6) any other matter that may expedite the hearing or aid in the disposition of the matter. At the prehearing conference the parties will present a list of their expert witnesses with a brief narrative description of the testimony of each and will submit all documents intended to be introduced in evidence at the hearing. These documents shall be marked by the examiner as hearing exhibits. Thereafter, witnesses or documents may be added only upon motion by a party and upon such conditions as the examiner deems just in the circumstances. No transcript of such prehearing conference shall be made unless a request therefor by one of the parties is granted by the examiner in view of the nature of the matters to be considered at the conference and the purposes of the conference. In the absence of a transcript, the examiner shall prepare and file for the record a written summary of the action taken at such conference, which shall incorporate any written stipulations or agreements made by the parties at or as a result of the conference.

(b) If circumstances render a prehearing impracticable, the examiner may request the parties to correspond with him for the purpose of accomplishing any of the objectives set forth in this section. The examiner shall forward copies of letters and documents sent to him in this connection to the parties. Correspondence in such negotiations shall not be a part of the record, but the examiner shall submit a written summary for the record if any action is taken.

**§ 164.30 Qualifications and duties of examiner.**

(a) *Qualifications.* Examiners shall have the qualifications required by statute and shall not have any direct connection with the office of pesticides. No person shall act to decide any matter in connection with a hearing where such person has a financial interest in any of the parties or a relationship with a party that would make it otherwise inappropriate for him to act.

(b) *Disqualification of the examiner.* (1) Any party may, by motion made to the examiner, request that the examiner disqualify himself and withdraw from the proceeding. The examiner shall then rule upon the motion and, upon request of the movant, shall certify an adverse ruling for appeal.

(2) An examiner may withdraw from any proceeding in which he deems himself disqualified for any reason.

(c) *Conduct.* The examiner shall conduct the proceeding in a fair and impartial manner, and shall not consult with any party or person on any matter in issue unless upon notice and opportunity for all parties to participate.

(d) *Power.* Subject to review, as provided elsewhere in this part, the examiner shall have power to:

(1) Rule upon motions and requests;

(2) Set the time and place of hearing, adjourn the hearing from time to time, and change the time and place of hearing;

(3) Administer oaths and affirmations and take affidavits;

(4) Examine witnesses;

(5) Rule on objections and admit evidence relevant and material to the issues and exclude other evidence;

(6) Hear oral argument on the facts or on the law; and

(7) Do all acts and take all measures necessary for the maintenance of order at the hearing and for the efficient, fair and impartial conduct of the proceeding: *Provided,* That the examiner shall not interrupt the recording of the proceedings over the objection of any party.

(e) *Absence or change of examiner.* In the case of the absence of the examiner or his inability to act, or his removal by disqualification or withdrawal, the powers and duties to be performed by him under this part in connection with a hearing assigned to him may, without abatement of the proceeding unless otherwise directed by the Administrator, be assigned to another examiner.

**§ 164.31 Procedure for a public hearing.**

(a) *Time and place of hearing.* After a proceeding has been instituted in accordance with the procedures set forth in this part the examiner, after giving careful consideration to the convenience of all the parties and the public interest, shall set a time and place for hearing and shall file with the hearing clerk a notice stating the time and place of hearing which shall be served upon the parties. If any change in the time or place of hearing is made, the examiner shall file with the hearing clerk a notice of such change, which notice shall be served upon the parties unless the change is made during the course of the public hearing and is made a part of the transcript.

(b) *Appearances*—(1) *Representatives.* Parties may appear in person or by counsel or other representative. Persons who appear as counsel or in a representative capacity must conform to the standards of ethical conduct required of practitioners before the courts of the United States.

(2) *Failure to appear.* If any party to the proceeding after being duly notified, fails to appear at the hearing, he shall be deemed to have waived the right to participate in the public hearing in the proceeding. In the event that a party appears at the hearing and no party appears for the opposing side, the examiner shall recommend that a decision be entered in favor of the party who is present and the Administrator shall enter his decision in accordance with such recommendation.

(c) *Broadcasting of proceedings.* This section is reserved for further consideration and is not adopted at this time.

**§ 164.32 Order of proceeding and burden of proof.**

(a) At the hearing the proponent of the order of cancellation shall have the burden of going forward to present an affirmative case for the cancellation of the registration. In the case of the denial of an application for registration, the applicant shall have the burden of going forward.

(b) On all issues arising in connection with the hearing the ultimate burden of persuasion shall rest with the proponent of the registration.

**§ 164.33 Evidence.**

(a) *General.* The examiner shall admit all relevant and material evidence, except evidence that is unduly repetitious. Relevant and material evidence may be received at any hearing even though inadmissible under the rules or evidence applicable to judicial proceedings. The weight to be given evidence shall be determined by its reliability and probative value. In all hearings the testimony of witnesses shall be taken orally, except as otherwise provided by these rules. Parties shall have the right to cross-examine a witness who appears at the hearing. In multiparty proceedings the examiner may limit cross-examination to the Agency and to one other party on each side if it appears that the cross-examination by one party will adequately protect parties similarly situated. Other parties may, however, engage in cross-examination if they can demonstrate that their cross-examination will go into matters not already covered by previous cross-examination.

(b) *Report of an advisory committee.* If a matter concerning the registration of the economic poison in issue had been submitted to an advisory committee, the report of the advisory committee and the material accompanying it shall be made a part of the record of the hearing in accordance with the provisions of 7 U.S.C. 135b(c). If an advisory committee has submitted a report concerning the registration of an economic poison containing the same basic chemicals as the economic poison in issue, the examiner may permit the introduction of the report and the material accompanying it.

(c) *Testimony of member of advisory committee.* If a matter concerning the registration of an economic poison had been submitted to an advisory committee, the testimony of the chairman of the advisory committee, or other member designated by him pursuant to § 164.12 (k), with respect to the report and recommendations of such committee shall be received on request of any party or the examiner: *Provided, however,* That this shall not preclude any other member of the advisory committee from appearing and testifying at the hearing pursuant to such a request.

(d) *Objections.* If a party objects to the admission or rejection of any evidence or the limitation of the scope of any examination or cross-examination, he shall state briefly the grounds for such objection. The transcript shall include any argument or debate thereon, unless the examiner, with the consent of all parties, orders that such argument not be transcribed. The ruling of the examiner on any objection shall be a part of the transcript. An automatic exception to that ruling will follow.

(e) *Exhibits.* Except where the examiner finds that the furnishing of copies is impracticable, a copy of each exhibit filed with the examiner shall be furnished to each other party. A true copy of an exhibit may, in the discretion of the examiner, be substituted for the original.

(f) *Official notice.* Official notice may be taken of such matters as are judicially noticed in the Federal courts: *Provided, however,* That the parties shall be given adequate opportunity to show that such facts are erroneously noticed.

(g) *Offer of proof.* Whenever evidence is excluded from the record, the party offering such evidence may make an offer of proof, which shall be included in the transcript. The offer of proof for excluded oral testimony shall consist of a brief statement describing the nature of the evidence excluded. If the evidence consists of an exhibit, it shall be inserted in the record in total. In the event the Administrator decides that the examiner's ruling in excluding the evidence was erroneous and prejudicial, the hearing may be reopened to permit the taking of such evidence, or, where appropriate, the Administrator may evaluate the evidence and proceed to a final decision.

(h) *Verified statements.* With the approval of the examiner, a witness may read into the record, as his testimony, statements of fact or opinion prepared by him, or written answers to interrogatories of counsel, or may submit as an exhibit his prepared statement, provided that such statements or answers must not include argument. Before any such statement or answer is read or admitted in evidence the witness shall deliver to the examiner, the reporter, and opposing counsel a copy of such. The admissibility of the evidence contained in such statement shall be subject to the same rules as if such testimony were produced in the usual manner, including the right of cross-examination of the witness. Such approval may be denied when it appears to the examiner that the memory or the demeanor of the witness is of importance.

**§ 164.34 Transcripts.**

(a) *Filing and certification.* Oral hearings shall be stenographically reported and transcribed. As soon as practicable after the taking of the last evidence, the examiner shall certify (1) that the original transcript is a true transcript of the testimony offered or received at the hearing, except in such particulars as he shall specify and (2) that the exhibits accompanying the transcript are all the exhibits introduced at the hearing, with such exceptions as he shall specify. A copy of such certificate shall be attached to each of the copies of the transcript.

(b) *Ordering copies.* Parties to the proceeding or other persons who desire a copy of the transcript of the hearing may place orders with the reporter who will furnish and deliver such copies directly to the purchaser upon payment therefor at the rate per page provided by the contract between the reporter and purchaser. The Agency will provide one copy of the transcript to the hearing clerk for use by the public.

**§ 164.35 Proposed findings of fact, conclusions and order.**

Within 20 days after the last evidence is taken, each party may file with the hearing clerk proposed findings of fact, conclusions and orders, based solely on the record, and a brief in support thereof. Within 10 days thereafter, each party may file replies. The examiner may in his discretion extend the total time period for filing the briefs 30 days. In such instances, briefs and responses shall be due at such time the examiner may fix by order. The hearing shall be deemed closed at the conclusion of that briefing period.

**§ 164.36 Examiner's report.**

The examiner, within 25 days after the close of the hearing, shall prepare on the basis of the record and shall file with the hearing clerk, his recommended decision, a copy of which shall be served upon each of the parties.

**§ 164.37 Exceptions, objections, request for oral argument.**

(a) Within 20 days after service of the examiner's recommended decision each party may take exception to any matter set forth in such decision or any adverse ruling to which he objected during the hearing and in such case shall file exceptions in writing with the hearing clerk, including a section containing corrected findings of fact, conclusions or orders. The exceptions shall have attached copies of the relevant portion of the record and a complete copy of the examiner's findings and conclusions, except that a party may for good cause request permission from the Administrator to omit the attachment. If permission is granted, the party shall include in its brief page references to the relevant portions of the record and the examiner's recommended

findings. Within the same period of time each party may file with the hearing clerk a brief upon which the party wishes to rely concerning each of the exceptions taken to the rulings, findings and conclusions of the examiner. Unless there are special circumstances, as noted in connection with the filing of exceptions, there shall be attached copies of the relevant portions of the record, if any.

(b) Where more than one party is filing exceptions the parties may agree to submit a joint appendix reproducing the relevant portions of the record and other information required as an attachment under paragraph (a) of this section.

(c) Within 7 days of the service of exceptions, or a brief under paragraph (a) of this section, any other party may file and serve a brief responding to exceptions or arguments raised by any other party by the papers submitted pursuant to paragraph (a) of this section. Such brief shall include an appendix reproducing any additional portions of the record on which respondent chooses to rely or, if permission is granted by the Administrator, references to the relevant portions of the record. Such brief shall not, however, raise additional exceptions.

(d) A party, if he files exceptions, or a brief, shall state in writing whether he desires to make an oral argument thereon before the Administrator; otherwise, he shall be deemed to have waived such oral argument.

(e) Copies of all material filed under this section shall be filed with the clerk.

**§ 164.38 Argument before the Administrator.**

Except where the Administrator determines that argument on additional issues would be helpful, argument whether oral or on brief, shall be limited to the issues raised by the exceptions and statement of objections to action of the examiner. If the Administrator determines that additional issues should be argued, counsel for the parties shall be given reasonable notice of such determination so as to permit preparation of adequate argument on all the issues to be argued.

**§ 164.39 Final order.**

As soon as practicable, but no later than after the expiration of the period for filing exceptions and responding briefs, three copies of objections, exceptions, briefs, attachments, and appendices, and the record shall be submitted to the Administrator by the clerk. As soon as practicable thereafter, but not more than 90 days after the close of the hearing, unless otherwise stipulated by the parties, the Administrator shall issue his final decision and order, including his rulings on any exceptions filed by the parties. Such final order may accept or reject the recommended findings of the examiner even if acceptable to the parties.

**§ 164.40 Ex parte discussion of proceeding.**

At no stage of the hearing between its institution and the issuance of the final order shall the Administrator discuss ex parte the merits of the proceeding with any party or with any person who has been connected with the preparation or presentation of the proceeding as an advocate, or in an investigative or expert capacity, or with any representative of such person: *Provided, however,* That the Administrator may discuss the merits of the case with any such person if all parties to the proceeding, or their representatives, have been given reasonable notice and opportunity to be present. Any memorandum or other communication addressed to the Administrator, during the pendency of the proceeding, and relating to the merits thereof, by or on behalf of any party, shall be regarded as argument made in the proceeding. The Administrator shall cause any such communication to be filed with the hearing clerk and served upon all other parties to the proceeding, who will be given the opportunity to file a reply thereto.

**§ 164.41 Application for reopening hearings; for rehearing; or reargument of proceeding; or for reconsideration of order.**

(a) *Filing; service.* An application for reopening the hearing to take further evidence, or for rehearing or reargument of the proceeding or for reconsideration of the order, must be made by petition to the Administrator filed with the hearing clerk. Every such petition must state specifically the grounds relied upon.

(b) *Petitions to reopen hearings.* A petition to reopen a hearing to take further evidence may be filed at any time prior to the issuance of the final order. Every such petition shall state briefly the nature and purpose of the evidence to be adduced, shall show that such evidence is not merely cumulative, and shall set forth a good reason why such evidence was not adduced at a hearing.

(c) *Petitions to rehear or reargue proceedings, or to reconsider orders.* A petition to rehear or reargue or reopen the proceeding or to reconsider the order shall be filed within 10 days after the date of service of the order. Every such petition must state specifically the matters claimed to have been erroneously decided and alleged errors must be briefly stated.

**§ 164.42 Procedure for disposition of petitions.**

Within 7 days following the service of any petition provided for in § 164.41, any other party to the proceeding may file with the hearing clerk an answer thereto. As soon as practicable thereafter, the Administrator shall announce his decision whether to grant or to deny the petition. Unless the Administrator shall determine otherwise, operation of the order shall not be stayed pending the decision to grant or to deny the petition. In the event that any such petition is granted by the Administrator, the applicable rules of practice, as set out elsewhere herein, shall be followed.

**§ 164.43 Filing and service.**

(a) All documents or papers required or authorized to be filed, except as provided otherwise in this part, shall be filed with the hearing clerk. At the same time that a party files documents or papers with the clerk, it shall serve upon all other parties. If filing is accomplished by mail addressed to the clerk, filing shall be deemed timely if the papers are mailed on the due date.

(b) Each document filed shall contain the I.F. & R. docket number and, if the document affects less than all of the registrations included under that docket number, the registration number or file symbol of each product which is the subject of the document.

(c) In addition to copies served on other parties, each party shall file three (3) copies of any memoranda, briefs, reply briefs or memoranda or appendices filed in connection with an appeal to the Administrator.

**§ 164.44 Computation and extensions of time.**

(a) Saturdays, Sundays, and holidays shall be included in computing the time allowed for the filing of any document or paper: *Provided, however,* That, when such time expires on a Saturday, Sunday, or legal holiday, such period shall be extended to include the next following business day.

(b) A prescribed period of time within which a party is required or permitted to do an act shall be computed from the time of service, except that when the service is made by mail, those days shall be added to the prescribed period.

(c) The time for the filing of any document or paper required or authorized to be filed under the rules in this part may be extended or shortened by the examiner (before the examiner's report is filed), or by the Administrator (after the examiner's report is filed). Request for such extension of time must ordinarily be made prior to the final date allowed for such filing. In this connection, consideration shall also be given to the fact that, under the provisions of the Act (7 U.S.C. 135b), the Administrator must issue his order not later than 90 days after the completion of the hearing, unless all parties agree by stipulation to extend this period of time pursuant to § 164.39.

Dated: May 8, 1972.

DAVID D. DOMINICK,
*Assistant Administrator for Categorical Programs.*

[FR Doc.72-6805 Filed 5-10-72;8:52 am]

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

### Chlordimeform

A petition (PP 2F1185) was filed jointly by Ciba Agrochemical Co., division of Ciba-Geigy Corp., Post Office Box 1105, Vero Beach, FL 32960, and NOR-AM Agricultural Products, Inc., 11710 Lake Avenue, Woodstock, IL 60098, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21

U.S.C. 346a), proposing establishment of tolerances for combined residues of the insecticide chlordimeform (*N'*-(4-chloro-*o*-tolyl)-*N*,*N*-dimethylformamidine) and its metabolites containing the 4-chloro-*o*-toluidine moiety (calculated as the parent insecticide) from application of the insecticide as the free base or as the hydrochloride salt in or on the raw agricultural commodities cottonseed at 5 parts per million; meat, fat, and meat byproducts of poultry at 0.2 part per million; and meat, fat, and meat byproducts of cattle, goats, hogs, and sheep at 0.1 part per million.

Subsequently, the petitioner amended the petition by increasing the proposed tolerance for meat, fat, and meat byproducts of cattle, goats, hogs, poultry, and sheep to 0.25 part per million, adding the word "horses," and proposing the establishment of tolerances for residues of the insecticide in eggs and milk at 0.05 part per million. (For a related document, see this issue of the FEDERAL REGISTER, page 9463.)

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

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

1. The insecticide is useful for the purpose for which the tolerances are being established.

2. Established tolerances for residues in eggs, meat, milk, and poultry are adequate to cover residues resulting from the proposed and established uses. The uses are in the category specified in § 180.6(a)(2) with respect to eggs and milk; § 180.6(a)(1) with respect to meat and poultry.

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

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.285 is amended by revising the heading and introductory paragraph, the paragraph "5 parts per million * * *", and by adding two new paragraphs after the paragraph "2 parts per million * * *" as follows:

**§ 180.285 Chlordimeform; tolerances for residues.**

Tolerances are established for combined residues of the insecticide chlordimeform (*N'*-(4-chloro-*o*-tolyl)-*N*,*N*-dimethylformamidine) and its metabolites containing the 4-chloro-*o*-toluidine moiety (calculated as the insecticide) from application of the insecticide as the free base or as the hydrochloride salt in or on raw agricultural commodities as follows:

5 parts per million in or on cottonseed and pears.

* * * * *

0.25 part per million in meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep.

0.05 part per million in eggs and milk.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Environmental Protection Agency, Room 3125, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall become effective on its date of publication in the FEDERAL REGISTER (5–11–72).

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

Dated: May 5, 1972.

LOWELL E. MILLER,
*Acting Deputy Assistant Administrator for Pesticides Programs.*

[FR Doc.72–7161 Filed 5–10–72;8:48 am]

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

### 3,5-Dichloro-*N*-(1,1-Dimethyl-2-Propynyl)Benzamide

A petition (PP 1F1139) was filed by Rohm and Haas Co., Independence Mall West, Philadelphia, Pa. 19105, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for residues of the herbicide 3,5-dichloro-*N*-(1,1-dimethyl-2-propynyl) benzamide and its metabolites (calculated as the herbicide) in or on the raw agricultural commodities endive (escarole) and lettuce at 2 parts per million.

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 the data submitted in the petition and other relevant material, it is concluded that:

1. The herbicide is useful for the purpose for which the tolerances are being established.

2. The proposed use is not reasonably expected to result in residues of the herbicide in meat and milk. The use is classified in the category specified in § 180.6(a)(3).

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

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

**§ 180.317 3,5-Dichloro-*N*-(1,1-dimethyl-2-propynyl)benzamide; tolerances for residues.**

Tolerances are established for residues of the herbicide 3,5-dichloro-*N*-(1,1-dimethyl-2-propynyl) benzamide and its metabolites (calculated as 3,5-dichloro-*N*-(1,1-dimethyl-2-propynyl) benzamide) in or on the raw agricultural commodities endive (escarole) and lettuce at 2 parts per million.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Environmental Protection Agency, Room 3125, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall become effective on its date of publication in the FEDERAL REGISTER (5–11–72).

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

Dated: May 4, 1972.

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

[FR Doc.72–7164 Filed 5–10–72;8:48 am]

# Title 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

[Docket No. 19390]

## PART 73—RADIO BROADCAST SERVICES

### Television Broadcast Stations in Corpus Christi, Tex.; Correction

In the matter of amendment of § 73.606(b), *Table of Assignments*, Television Broadcast Station (Corpus Christi, Tex.), Docket No. 19390, RM-1816.

The date of adoption in the Commission's report and order, FCC 72-381, in the above-entitled proceeding which reads April 19, 1972, is in error. It should read: "April 26, 1972."

Released: May 8, 1972.

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

[FR Doc.72-7198 Filed 5-10-72;8:51 am]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Part 916 ]

### NECTARINES GROWN IN CALIFORNIA

### Proposed Limitations of Handling

Consideration is being given to the following proposal submitted by the Nectarine Administrative Committee, established pursuant to the amended marketing agreement and Order No. 916, as amended (7 CFR Part 916), regulating the handling of nectarines grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposal is to amend § 916.345 (Nectarine Regulation 3; 37 F.R. 8862) to continue the effective period of said regulation through May 31, 1973. The present regulation ends June 2, 1972. It is the committee's recommendation that said regulation be made effective for the entire 1972 nectarine shipping season and that the grade and size per specified varieties be continued to the start of the 1973 shipping season.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

As proposed to be amended § 916.345 Nectarine Regulation 3 will read as follows:

§ 916.345 Nectarine Regulation 3.

(a) Order: During the period June 3, 1972, through May 31, 1973, no handler shall handle any package or container of any variety of nectarines unless such nectarines grade at least U.S. No. 1: *Provided,* That nectarines 2 inches in diameter or smaller, or 4 x 4 size or smaller, shall not have fairly light colored, fairly smooth scars which exceed the aggregate area of a circle three-eighth inch in diameter, and nectarines larger than 2 inches in diameter, or larger than 4 x 4 size, shall not have fairly light colored, fairly smooth scars which exceed an aggregate area of a circle one-half inch in diameter: *Provided further,* That an additional tolerance of 25 percent shall be permitted for fruit that is not well formed but not badly misshapen: *Provided further,* That 25 percent of the surface of each fruit of the Sun Free and Golden Grand varieties may be affected by fairly smooth or smooth russeting.

(b) During the period June 3, 1972, through May 31, 1973.

(1) No handler may handle any package or container of May Red variety nectarines unless:

(i) Such nectarines, when packed in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of a standard pack, not more than 130 nectarines in the lug box;

(ii) Such nectarines when packed in a standard basket, are of a size not smaller than a size that will pack 4 x 5 standard pack; or

(iii) Such nectarines when packed in any container other than the containers specified in subdivisions (i) and (ii) of this subparagraph, measure not less than 1¾ inches in diameter: *Provided,* That not more than 10 percent by count of nectarines in any container may fail to meet such diameter requirement.

(2) No handler shall handle any package or container of Arm King, Grand River, Mayfair, or Zee Gold variety nectarines unless:

(i) Such nectarines, when packed in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 112 nectarines in the lug box;

(ii) Such nectarines, when packed in a standard basket, are of a size not smaller than a size that will pack a 3 x 4 x 5 standard pack; or

(iii) Such nectarines, when packed in any container other than the containers specified in subdivisions (i) and (ii) of this subparagraph, measure not less than 1⅞ inches in diameter: *Provided,* That not more than 10 percent, by count, of the nectarines in any container may fail to meet such diameter requirement.

(3) No handler shall handle any package or container of June Belle, June Grand, May Grand, Red June, Sunbright, Sun King, or Sunrise variety nectarines unless:

(i) Such nectarines, when packed in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirement of a standard pack, not more than 108 nectarines in the lug box;

(ii) Such nectarines, when packed in a standard basket, are of a size not smaller than a size that will pack a 4 x 4 standard pack; or

(iii) Such nectarines, when packed in any container other than the containers specified in subdivisions (i) and (ii) of this subparagraph, measure not less than 2 inches in diameter: *Provided,* That not more than 10 percent, by count, of the nectarines in any container may fail to meet such diameter requirement.

(4) No handler shall handle any package or container of Early Sun Grand, Grandandy, Independence, Star Grand I, Star Grand II, Sun Flame, Sun Grand, or Rose variety nectarines unless:

(i) Such nectarines, when packed in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 96 nectarines in the lug box; or

(ii) Such nectarines, when packed in any container other than in a No. 22D standard lug box, measure not less than 2⅛ inches in diameter: *Provided,* That not more than 10 percent, by count, of the nectarines in any container may fail to meet such diameter requirement.

(5) No handler shall handle any package or container of Autumn Grand, Clinton-Strawberry, Fantasia, Flame Kist, Flavor Top, Gold King, Granderli, Grand Prize, Hi-Red, Late Le Grand, Le Grand, Red Grand, Regal Grand, Richard's Grand, Royal Grand, September Grand, or Sun Free nectarines, unless:

(i) Such nectarines, when packed in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 88 nectarines in the lug box; or

(ii) Such nectarines, when packed in any container other than in a No. 22D standard lug box, measure not less than 2¼ inches in diameter: *Provided,* That not more than 10 percent, by count, of the nectarines in any container may fail to meet such diameter requirement.

(c) When used herein, "diameter," "U.S. No. 1," and "standard pack" shall have the same meaning as set forth in the U.S. Standards for Grades of Nectarines (§§ 51.3145–51.3160 of this title); "standard basket" shall mean the standard basket set forth in section 43592 of the Agricultural Code of California; "No. 22 standard lug box" shall have the same meaning as set forth in section 43601 of the Agricultural Code of California; and all other terms shall have the same meaning as when used in the marketing agreement and order.

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

Dated: May 5, 1972.

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

[FR Doc.72–7171 Filed 5–10–72;8:48 am]

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### Farmers Home Administration

### [ 7 CFR Part 1824 ]

[FHA Ins. 440.8]

### ENVIRONMENTAL IMPACT STATEMENTS

### Proposed Guidelines

Notice is hereby given that the Farmers Home Administration has under con-

sideration an amendment to Subchapter B, Loans and Grants Primarily for Real Estate Purposes by adding a new Part 1824, "Guidelines for Preparing Environmental Impact Statements Required by section 102(2)(C) of the National Environmental Policy Act of 1969." This new Part 1824 provides policies and procedures for compliance with the National Environmental Policy Act of 1969, and includes requirements for environmental impact statements set forth in the Council on Environmental Quality guidelines issued on April 23, 1971, and U.S. Department of Agriculture guidelines issued by Secretary's Memorandum 1695, Supplement 4, revised November 12, 1971, and related issuances.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendment to the Assistant Administrator for Management, Farmers Home Administration, U.S. Department of Agriculture, Room 5013, South Building, Washington, D.C. 20250, within 30 days after date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Assistant Administrator for Management during regular business hours. (8:15 a.m.–4:45 p.m.)

As proposed, the addition will read as follows:

## PART 1824—GUIDELINES FOR PREPARING ENVIRONMENTAL IMPACT STATEMENTS REQUIRED BY SECTION 102(C) OF THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

Sec.



AUTHORITY: The provisions of this Part 1824 issued under sec. 339, 75 Stat. 318, 7 U.S.C. 1989; sec. 510, 63 Stat. 437, 42 U.S.C. 1480; sec. 4, 64 Stat. 100, 40 U.S.C. 442; sec. 602, 78 Stat. 528, 42 U.S.C. 2942; sec. 301, 80 Stat. 379, 5 U.S.C. 301; Order of Act. Sec. of Agr., 36 F.R. 21529; Order of Asst. Sec. of Agr. for Rural Development and Conservation, 36 F.R. 21529; Order of Dir., OEO, 29 F.R. 14764.

### § 1824.1 Purpose.

This part provides guidelines for preparing Environmental Impact Statements required by section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), Public Law 91–190, 42 U.S.C. 4321, et seq., as implemented by the Council on Environmental Quality (CEQ) guidelines issued on April 23, 1971, and U.S. Department of Agriculture (USDA) guidelines issued by Secretary's Memorandum 1695, Supplement 4, dated November 12, 1971, and related issuances. This will apply to all major Farmers Home Administration (FHA) actions for which loans or grants may be made that have a significant impact on the environment where the loan or grant has not been closed.

### § 1824.2 Environmental statements.

A determination must be made as to whether each proposed major FHA action will significantly affect the environment and thus whether an environmental statement is needed. All significant effects including beneficial and adverse actions either directly or indirectly affecting the environment must be assessed. Significant adverse effects include those that degrade the quality of the environment, curtail the range of beneficial uses of the environment or serve short-term, to the disadvantage of long-term, environmental goals. Two stages in the development of environmental statements are required: The first or draft environmental statement comes into being when it is sent to the CEQ and made available to the public. The second or final environmental statement comes into being when it is sent to CEQ and made available to the public. The final statement is based upon comments received from agencies and interested parties who have reviewed the draft environmental statement. The final statement is therefore a modification or expansion of the draft statement based on comments and other information obtained subsequent to the draft statement.

### § 1824.3 Responsibilities.

The State Director is responsible for determining the need for an environmental statement by making an environmental assessment on each major FHA action, preparing needed environmental statements, consulting with other Federal departments or agencies with jurisdiction by law or special expertise with respect to any environmental impact involved, providing for review by State and local agencies authorized to develop and enforce environmental standards, and making environmental statements available to the public.

(a) Alternative actions to minimize adverse environmental conditions must be considered even though FHA assistance would not be required for such alternatives. Long-range and short-range implications should be evaluated. Undesirable consequences for the environment should be prevented if possible. Environmental statements should respond to all elements listed in Exhibit C. Reference should be made to the impact of the action on economic development including employment and income opportunities and summary of costs and benefits expected from the action when available.

(b) An environmental statement will be prepared when the environment may be significantly affected by the proposed major FHA action, even though such action may be localized in its impact; it is reasonable to assume a cumulatively significant impact on the environment from successive implementation of several similar actions; a decision involving a limited expenditure is a precedent for action in much larger cases; or the environmental impact of a proposed action is likely to be highly controversial.

### § 1824.4 Environmental impact assessment.

(a) When an applicant files SF–101, "Preliminary Application for Requesting Federal Assistance for Public Works and Facility-Type Projects," or other appropriate application, the FHA official who receives the application, usually the County Supervisor will prepare an assessment using Exhibit D (Form FHA 440–46, "Environmental Impact Assessment").

(b) Form FHA 440–46 will be submitted to the State Director along with a copy of the SF–101 or other appropriate application.

(c) The State Director is responsible for determining the need for environmental impact statements on major FHA actions developed in rural areas with loans and grants from the FHA. In making this determination he will take the following actions:

(1) Review the assessment to determine whether a statement is needed, or

(2) If other Federal agencies are involved, contact such agencies to help determine if a statement is needed and if so, determine which agency will be responsible for preparation of the statement. It is expected that:

(i) The Soil Conservation Service (SCS) will prepare needed statements on projects for which Watershed loans and Resource Conservation and Development (RCD) loans are made.

(ii) The Environmental Protection Agency (EPA) will prepare needed statements on projects for which EPA is making grants for waste treatment.

(iii) The Economic Development Administration (EDA) will prepare needed statements on major FHA actions for which EDA is making a basic grant.

(3) When the State Director has determined that an environmental statement is not needed, he will notify the clearinghouse(s) that based upon an environmental assessment of the proposed major FHA action, it will have no significant impact on the environment. Therefore, an environmental impact statement will not be prepared unless additional information substantiates the need for one.

(4) When the State Director has determined that a statement is needed and that FHA is responsible for its preparation he will notify the clearinghouse(s) that based upon an environmental assessment of the proposal, the significance of its impact on the environment is such that an environmental impact statement will be prepared by FHA in accordance with section 102(2)(C) of the National Environmental Policy Act.

(5) Notify the county supervisor that a statement will be prepared by FHA and request the county supervisor to provide information needed for the preparation of the statement.

(6) When the State Director and officials of other interested agencies determine that an environmental statement is needed and will be prepared by an agency other than FHA, he will notify the county supervisor that a statement is needed and indicate the other agency will prepare it.

(d) When the county supervisor receives notices from the State Director that a statement is needed and that another agency will prepare it, he will notify the applicant of those facts.

**§ 1824.5 Preparation of environmental impact statements.**

(a) When a determination is made that the statement is to be prepared by FHA, the State Director will prepare the draft and final statements in accordance with Exhibits A, B, C, and D taking into consideration the results of his discussion with other interested agencies and other available information.

(1) *Draft statements.* (i) The State Director will send a copy of the draft statement to the national office for review and distribution.

(ii) When a determination has been made in the national office that the draft statement meets the requirements of CEQ guidelines, the following will be submitted to the Office of the Coordinator, Environmental Quality Activities, USDA:

(*a*) Eleven copies of the draft statement. The Coordinator will forward 10 copies to CEQ.

(*b*) An accession notice card (Form NTIS–79) to provide for public availability of the environmental impact statement through the National Technical Information Service (NTIS), U.S. Department of Commerce.

(*c*) Two copies of the summary sheet to be forwarded to the Office of Management and Budget (OMB).

(iii) A notice of the availability of the draft environmental statement will be published in the FEDERAL REGISTER.

(iv) Copies of the statement showing the date of transmittal to CEQ will be made in the national office and distributed as follows:

(*a*) State Director, 10 copies for distribution at State level.

(*b*) Appropriate Federal agencies at the national level.

(v) When the State Director receives copies of the draft statement from the national office, he will send a copy to the appropriate clearinghouse(s) and to appropriate agencies at local, State, and regional levels who do not receive copies through the clearinghouse(s) process.

(vi) Copies will be available for review in the national office and in the appropriate State and county offices.

(vii) Copies may be obtained by interested parties from the NTIS, U.S. Department of Commerce, Springfield, VA 22151.

(2) *Final statements.* (i) The State Director will prepare the final statement taking into consideration comments received on the draft statement and any other pertinent information or developments since the draft statement was prepared. One copy will be submitted to the national office for review and distribution.

(ii) The following will be submitted by the national office to the Office of the Coordinator, Environmental Quality Activities, USDA:

(*a*) Eleven copies of the final statement. The Coordinator will forward 10 copies to CEQ.

(*b*) An accession notice card (Form NTIS–79).

(*c*) Two copies of the summary sheet for OMB.

(iii) A notice of completion and availability of the final environmental statements will be published in the FEDERAL REGISTER.

(iv) Additional copies of the statement showing the date of transmittal to CEQ will be made in the national office and distributed as follows:

(*a*) States Director, 10 copies for distribution at State level.

(*b*) Appropriate Federal agencies at the national level.

(v) When the State Director receives copies of the final statement from the national office, he will send a copy to the clearinghouse(s) and to interested agencies at local, State, and regional levels including those from whom comments on the draft statement were received.

(vi) Copies will be made available in the State and local offices for review by interested parties.

(vii) Copies may be obtained by interested parties from NTIS.

(viii) The final statement will request that comments be sent to the State Director within 30 days.

(b) When a determination is made that another agency is responsible for preparation of the environmental statement, the State Director will:

(1) Notify the national office of the agency preparing the statement.

(2) Cooperate with the responsible agency in preparing and processing the statement.

(3) Send the national office a copy of the draft statement prepared by the agency.

(4) Keep the national office informed of comments received by that agency.

(5) Send the national office a copy of the final statement.

(6) Notify the national office when the requirements for the environmental statement have been met.

**§ 1824.6 Action subsequent to required environmental statement.**

No loan or grant will be closed for a major FHA action that requires an environmental statement before 90 days after the date of the draft statement, and 30 days after the date the final statement is submitted to CEQ. If the final statement is submitted within 90 days after the date the draft statement was submitted, the 30-day period and the 90-day period may run concurrently to the extent they overlap. Any comments received on the final statement that warrant further consideration before loan closing should be referred to the national office for instructions on atcion to be taken.

**§ 1824.7 Emergency circumstances.**

When emergency circumstances make it necessary to take an action with significant environmental impact without observing the provisions of these guidelines concerning minimum periods for agency review and advance availability of environmental statements, the State Director will submit complete documentation of the emergency circumstances along with his recommendations to the national office.

EXHIBIT A—COVER PAGE FORMAT FOR ENVIRONMENTAL IMPACT STATEMENTS

Each environmental statement will include a cover page as shown below. The cover page should not include the descriptive titles shown on the left margin, but only information like that on the right side of this page which is given as an example.

COVER PAGE

| | |
|---|---|
| Report number | USDA–FHA–EIS–ADM–ALA–72–1.[1] |
| Title | Beaver Creek Community, Ford, Ala., Water and Sewer System. |
| Subtitle | (Draft) or (final) environmental statement. |
| Responsible official. | Name and address of State Director. |
| Performing organization name and address. | Beaver Creek Community, Ford, Ala. 36104. |
| Date | Feb. 29, 1972. |
| Sponsoring agency. | Prepared by USDA-Farmers Home Administration, U.S. Department of Agriculture, Farmers Home Administration, 474 South Court Street, Montgomery, AL 36104. |

[1] USDA, FHA, Environmental Impact Statement (Administrative), State, fiscal year 1972, sequential No. 1, within the year. Draft and final statements should be assigned identical report numbers, even though the final statement may be prepared in a subsequent fiscal year.

EXHIBIT B—SUMMARY SHEET FORMAT FOR ENVIRONMENTAL IMPACT STATEMENTS

Each environmental impact statement will include a separate sheet at the beginning of the statement which will provide information in the following format:

SUMMARY SHEET

Environmental Impact Statement, U.S. Department of Agriculture, Farmers Home Administration, Prepared in Accordance With Section 102(2)(C) of Public Law 91–190

1. Title of statement—(name of project).
2. Type of statement—draft or final.
3. Date statement prepared.
4. Type of action—administrative.
5. Brief description of action—indicate State(s) and county(ies) particularly affected.
6. Summary of environmental impact and adverse environmental effects.
7. List of alternatives considered.
8. For draft statements list all Federal, State, and local agencies and other sources from which written comments have been requested. For final statements, list all Federal, State, and local agencies and other sources from which written comments have been received.

9. Dates draft statement and final statement made available to CEQ. (These dates will be obtained from the Coordinator, by the national office.)

10. Copies of this statement may be purchased from U.S. Department of Commerce, National Technical Information Service, Springfield, Va. 22151.

EXHIBIT C—ENVIRONMENTAL IMPACT STATEMENT FORMAT

Each environmental impact statement will follow the identifying headings and outline below and will include each of the subject headings and subheadings listed. Headings or subheadings may be followed by "not applicable" or "none" where appropriate.

ENVIRONMENTAL IMPACT STATEMENT

U.S. DEPARTMENT OF AGRICULTURE, FARMERS HOME ADMINISTRATION

*Title of statement.*
*Type of statement.* Draft ( ) Final ( )
*Date statement prepared.*
*Type of action.* Administrative.
*Statement.*

1. *Description.* A description of the proposed action including information and technical data adequate to permit a careful assessment of environmental impact by commenting agencies. Where relevant, maps or other graphic material should be provided.

2. *Environmental impact.* The probable impact of the proposed action on the environment, including impact on ecological systems such as wildlife, fish, and marine life. Both primary and secondary significant consequences for the environment should be included in the analysis. For example, the implications, if any, of the action for population distribution or concentration should be estimated and an assessment made of the effect of any possible change in population patterns upon the resource base, including land use, water, and public services, of the area in question. Include also economic impacts on employment, unemployment, and other economic factors.

3. *Favorable environmental effects.* Any probable beneficial effects that result from the proposed action such as improved air and water quality, improved land use patterns, improved life systems, improved social and economic conditions, and other beneficial environmental effects as set out in section 101(b) of the Act.

4. *Adverse environmental effects which cannot be avoided.* Any probable adverse environmental effects which cannot be avoided, such as water or air pollution, undersirable land use patterns, damage to life systems, urban congestion, threats to health or other consequences adverse to the environmental goals set out in section 101(b) of the Act.

5. *Alternatives.* Section 102(2)(D) of the Act requires the responsible agency to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." A rigorous exploration and objective evaluation of alternative actions that might avoid some or all of the adverse environmental effects is essential. Sufficient analysis of such alternatives and their cost and impact on the environment should accompany the proposed action through the agency review process in order not to foreclose prematurely options which might have less adverse effects.

6. *Relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.* This, in essence, requires the agency to assess the action for cumulative and long-term effects from the perspective that each generation is trustee of the environment for succeeding generations.

7. *Irreversible and irretrievable commitment of resources.* This requires the agency to identify the extent to which the action curtails the range of beneficial uses of the environment.

8. *Consultation with appropriate Federal agencies and review by State and local agencies developing and enforcing environmental standards.* A discussion of problems and objections raised by other Federal, State, and local agencies and by private organizations and individuals in the review process and the disposition of the issues involved.

9. All comments should be submitted in writing to (*name of State Director*), (*address of State office*), within (90 days for draft statements) and (30 days for final statements). Comments on the draft statement (will be) (were) considered in the development of the final statement.

10. No loans or grant from the Farmers Home Administration will be closed prior to 90 days from the date of the draft statement, and 30 days from the date the final statement is made available to the Council on Environmental Quality, Washington, D.C.

11. The draft environmental statement was sent to CEQ on (date). The final environmental statement was sent to CEQ on (date).

12. Copies of statements may be reviewed in the national office of the Farmers Home Administration, Washington, D.C., in the State Office located at (name and address), and in the County Office(s) at (name and address(es).) Copies may be obtained from the U.S. Department of Commerce, National Technical Information Service, Springfield, Va. 22151.

EXHIBIT D—ENVIRONMENTAL IMPACT ASSESSMENT

State: _____
County: _____

I. Name of applicant.
Address of applicant.

II. Description of development: Name, location, scope, type of service to be rendered, number of people to be served and population of area.

III. Estimated development costs: $_____

IV. Source and amount of funds:
FHA Loan $_____
FHA Grant $_____
Local $_____
Other Federal agencies (indicate agency and amount).

V. Other Federal agencies likely to provide assistance other than financial.

VI. Describe local public opinion, attitude, and reaction to the proposed development.

VII. Have any controversial issues regarding the proposed been noted? ☐ Yes. ☐ No. (If yes, explain.)

VIII. Will the project cause undesirable kinds and quantities of odors, gases, smoke, dirt, vapor or other emissions to be released into the air? ☐ Yes. ☐ No. (If yes, explain.)

IX. Will the project require the use of water in short or critical supply? ☐ Yes. ☐ No. (If yes, explain.)

X. Will the project result in the generation of a waste disposal problem? ☐ Yes. ☐ No. (If yes, explain.)

XI. Will the project result in an undesirable housing development pattern? ☐ Yes. ☐ No. (If yes, explain.)

XII. Will there likely be any controversy over location of treatment facilities? ☐ Yes. ☐ No. (If yes, give complete details.)

XIII. Other comments and recommendations.

XIV. Assessment submitted to State Director by:

_____ _____
(Name of FHA official) (FHA office address)

_____ _____
(Signature) (Date)

XV. Determination by State Director:

The environmental assessment of this project indicates that:

☐ 1. An environmental impact statement is needed and will be prepared by_____
_____
(Name of agency)

☐ 2. An environmental impact statement is not needed.

_____ _____
(Name of State Director) (Address of State Director)

_____ _____
(Signature of State Director) (Date)

Dated: May 4, 1972.

JOSEPH HASPRAY,
*Deputy Administrator,*
*Farmers Home Administration.*

[FR Doc.72-7108 Filed 5-10-72;8:45 am]

# DEPARTMENT OF COMMERCE

## Patent Office

## [ 37 CFR Parts 1, 2 ]

## LEGAL JOURNALS

### Proposed Placing of Announcements

Notice is hereby given that pursuant to the authority contained in section 31 of the Act of July 19, 1952 (66 Stat. 795; 35 U.S.C. section 31), the Patent Office proposes to amend Title 37 of the Code of Federal Regulations by revising §§ 1.345(b) and 2.14(b).

All persons are invited to present their written views, objections, recommendations, or suggestions in connection with the proposed changes on or before July 18, 1972. Such views, objections, recommendations, and suggestions should be addressed to the Commissioner of Patents, Washington, D.C. 20232. No oral hearing will be held.

The proposed changes, if adopted, will permit agents and attorneys who practice before the Patent Office in patent or trademark matters to place dignified announcements in legal journals, intended essentially for lawyers only, to the effect that they are available to act as consultants to or as associates of other lawyers in the practice of patent or trademark law before the Patent Office.

These changes would bring Patent Office regulations into conformance with that portion of disciplinary rule, DR 2-105(A)(3) of the Code of Professional Responsibility of the American Bar Association, which provides that "(a) lawyer shall not hold himself out publicly as a specialist or as limiting his practice except (that) * * * (a) lawyer available to act as a consultant to or as an associate of other lawyers in a particular branch of law or legal service may * * * publish in legal journals a dignified announcement of such announcement, but the announcement shall not contain a representation of special competence or experience."

The proposed changes, however, would not be construed to permit a registered attorney or agent to "distribute (such announcements) to other lawyers," as now permitted by DR 2-105.

The sections, if amended as proposed, would read as follows:

§ 1.345 Advertising.

* * * * *

(b) The use of simple professional letterheads, calling cards, or office signs, simple announcements necessitated by opening an office, change of association, or change of address, distributed to clients and friends, and insertion of listings in common form (not display) in a classified telephone or city directory, dignified announcements addressed to lawyers, in legal journals intended essentially for lawyers only, of availability to act as a consultant to or as an associate of other lawyers in the practice of patent law before the Patent Office where such announcements are permitted by local custom, and listings and professional cards with biographical data in standard professional directories shall not be considered a violation of the rule.

* * * * *

§ 2.14 Advertising.

* * * * *

(b) The use of simple professional letterheads, calling cards, or office signs; simple announcements necessitated by opening an office, change of association, or change of address, distributed to clients and friends; listings in common form (not display) in a classified telephone or city directory; dignified announcements addressed to lawyers, in legal journals intended essentially for lawyers only, of availability to act as a consultant to or as an associate of other lawyers in the practice of trademark law before the Patent Office where such announcements are permitted by local custom; and listings and professional cards with biographical data in standard professional directories are not prohibited.

* * * * *

Dated: May 2, 1972.

RICHARD A. WAHL,
*Acting Commissioner of Patents.*

Approved: May 3, 1972.

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

[FR Doc.72-7160 Filed 5-10-72;8:49 am]

# DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## [ 14 CFR Part 71 ]

[Airspace Docket No. 72-EA-35]

## CONTROL ZONE AND TRANSITION AREA

### Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Charlottesville, Va., control zone (37 F.R. 2069) and transition area (37 F.R. 2169).

The airspace requirements for the Charlottesville, Va., terminal area have been reviewed for compliance with the U.S. Standard for Terminal Instrument Procedures. This review indicated that alteration of the control zone and 700-foot floor transition area will be required.

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 Charlottesville, Va., proposes the airspace action hereinafter set forth:

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

Within a 5-mile radius of the center 38°08'25" N., 78°27'09" W. of Charlottesville-Albemarle Airport, Charlottesville, Va., and within 2.5 miles each side of the 022° bearing from the Charlottesville RBN, extending from the 5-mile radius zone to 2 miles north of the RBN.

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

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center 38°08'25" N., 78°27'09" W. of Charlottesville-Albemarle Airport, Charlottesville, Va., extending clockwise from a 340° bearing to a 072° bearing from the airport; within an 11.5-mile radius of the center of the airport, extending clockwise from a 072° bearing to a 166° bearing from the airport; within a 13-mile radius of the center of the airport, extending clockwise from a 166° bearing to a 233° bearing from the airport; within a 12.5-mile radius of the center of the airport, extending clockwise from a 233° bearing to a 280° bearing from the airport; within a 19.5-mile radius of the center of the airport, extending clockwise from a 280° bearing to a 340° bearing from the airport and within 3 miles each side of the 202° bearing from the Charlottesville RBN, extending from the 13-mile radius arc to 8.5 miles south of the RBN, excluding the portion that coincides with the Weyers Cave, Va. transition area.

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 25, 1972.

LOUIS J. CARDINALI,
*Acting Director, Eastern Region.*

[FR Doc.72-7139 Filed 5-10-72;8:46 am]

## [ 14 CFR Part 71 ]

[Airspace Docket No. 72-EA-37]

## TRANSITION AREA

### Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Gordonsville, Va., transition area (37 F.R. 2201). The purpose of the amendment will be to provide additional controlled airspace for aircraft executing the instrument approach and departure procedures for Gordonsville Municipal Airport.

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 Gordonsville, Va., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to

delete the description of the Gordonsville, Va., 700-foot floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 38°09'21" N., 78°09'59" W. of Gordonsville Municipal Airport, Gordonsville, Va., and within 2 miles each side of the Gordonsville VORTAC 356° radial, extending from the 7-mile radius area to the VORTAC.

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 26, 1972.

LOUIS J. CARDINALI,
*Acting Director, Eastern Region.*

[FR Doc.72-7140 Filed 5-10-72;8:47 am]

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## [ 14 CFR Part 71 ]

[Airspace Docket No. 72-EA-38]

## TRANSITION AREA

### Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the South Boston, Va., transition area (37 F.R. 2287) so as to provide additional controlled airspace for aircraft executing the instrument approach and departure procedures for William M. Tuck Airport.

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 South Boston, Va., proposes the airspace action hereinafter set forth:

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

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center 36°42'45" N., 78°51'00" W. of William M. Tuck Airport, South Boston, Va., and within 2 miles each side of the South Boston VORTAC 076° radial, extending from the 6.5-mile-radius area to the VORTAC.

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 26, 1972.

LOUIS J. CARDINALI,
*Acting Director, Eastern Region.*

[FR Doc.72-7141 Filed 5-10-72;8:47 am]

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## [ 14 CFR Part 71 ]

[Airspace Docket No. 72-EA-40]

## CONTROL ZONE AND TRANSITION AREA

### Proposed Designation and Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a part-time control zone for Greenbrier Valley Airport, Lewisburg, W. Va., and alter the Lewisburg, W. Va., transition area (37 F.R. 2228).

The airport now meets the weather and communications reporting requirements for the establishment of a control zone and the development of a new instrument approach for the localizer requires some alteration of the 700-foot floor transition area.

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 Lewisburg, W. Va., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to designate a Lewisburg, W. Va. control zone as follows:

LEWISBURG, W. VA.

Within an 8-mile radius of the center 37°51'35" N., 80°23'55" W. of Greenbrier Valley Airport, Lewisburg, W. Va., and within 3 miles each side of the 216° bearing from the Lewisburg, W. Va. RBN 37°46'52" N., 80°28'10" W., extending from the 8-mile radius zone to 8.5 miles southwest of the RBN. This control zone is effective from 0730 to 2100 hours, local time, daily.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Lewisburg, W. Va., 700-foot floor transition area, "extending from the RBN to 8.5 miles southwest" and insert the following in lieu thereof, "extending from the RBN to 9.5 miles southwest."

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 25, 1972.

LOUIS J. CARDINALI,
*Acting Director, Eastern Region.*

[FR Doc.72-7142 Filed 5-10-72;8:47 am]

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## [ 14 CFR Part 71 ]

[Airspace Docket No. 72-EA-41]

## TRANSITION AREA

### Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Westminster, Md., transition area (37 F.R. 2303) to provide additional airspace for aircraft executing instrument approaches and departures for Westminster Airport.

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 Westminster, Md., proposes the airspace action hereinafter set forth:

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

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center 39°36'15" N., 77°00'15" W. of Westminster Airport, Westminster, Md.; within an 8-mile radius of the center of the airport, extending clockwise from a 035° bearing from the airport to a 085° bearing from the airport and within 1.5 miles each side of the Westminster VORTAC 350° radial, extending from the 6.5-mile-radius area to the VORTAC. This transition area is effective from sunrise to sunset, daily.

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 26, 1972.

LOUIS J. CARDINALI,
*Acting Director, Eastern Region.*

[FR Doc.72-7143 Filed 5-10-72;8:47 am]

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## [ 14 CFR Part 71 ]

[Airspace Docket No. 72-EA-42]

## TRANSITION AREA

### Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Frederick, Md., transition area (37 F.R. 2197) to provide additional controlled airspace for aircraft executing instrument approach and departure procedures for Frederick Municipal Airport.

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 Frederick, Md., proposes the airspace action hereinafter set forth:

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

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center 39°25'00" N., 77°22'30" W. of Frederick Municipal Airport, Frederick, Md.; within a 16-mile radius of the center of the airport, extending clockwise from a 245° bearing to a 350° bearing from the airport and within 3 miles each side of the Frederick VOR 032° radial, extending from the 8-mile radius area to 8.5 miles northeast of the VOR, excluding the portion within P-40.

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 26, 1972.

LOUIS J. CARDINALI,
*Acting Director, Eastern Region.*

[FR Doc.72-7144 Filed 5-10-72;8:47 am]

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## [ 14 CFR Part 71 ]

[Airspace Docket No. 72-EA-45]

## TRANSITION AREA

### Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Easton, Md., transition area (37 F.R. 2186) to provide additional controlled airspace for aircraft executing instrument approach and departure procedures for Easton Municipal Airport.

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 Easton, Md., proposes the airspace action hereinafter set forth:

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

That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of the center 38°48'30" N., 76°04'30" W. of Easton Municipal Airport, and within 3 miles each side of the 038° bearing from the Easton, Md., RBN 38°48'25" N., 76°04'05" W., extending from the 6.5-mile-radius area to 8.5 miles northeast of the RBN.

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 26, 1972.

LOUIS J. CARDINALI,
*Acting Director, Eastern Region.*

[FR Doc.72-7145 Filed 5-10-72;8:47 am]

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## [ 14 CFR Part 71 ]

[Airspace Docket No. 72-EA-46]

## TRANSITION AREA

### Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Fulton, N.Y., transition area (37 F.R. 2198). The increase in controlled airspace is required to permit protection for commercial operations carrying passengers which occur between Syracuse, N.Y., and Kingston, Ontario, Canada.

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 Administation, 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 Fulton, N.Y., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71, Federal Aviation Regulations by adding a 1,200-foot floor transition area to the description of the Fulton, N.Y., Transition Area as follows:

That airspace extending upward from 1,200 feet above the surface within 5.5 miles each side of the Syracuse, N.Y. 344° radial extending from the VORTAC to the United States/Canadian border; and within 5-miles each side of the Watertown, N.Y., 309° radial extending from the VORTAC to the United States/Canadian border.

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 27, 1972.

LOUIS J. CARDINALI,
*Acting Director, Eastern Region.*

[FR Doc.72-7146 Filed 5-10-72;8:47 am]

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## [ 14 CFR Part 71 ]

[Airspace Docket No. 72-EA-50]

## TRANSITION AREA

### Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate an Ashland, Va., transition area for Hanover County Municipal Airport, Ashland, Va. The purpose of the area is to provide airspace protection for aircraft executing the instrument approach and departure procedures for the airport.

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 Ashland, Va., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate an Ashland, Va., 700-foot floor transition area as follows:

ASHLAND, VA.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center 37°42'27" N., 77°26'11" W. of Hanover County Municipal Airport, Ashland, Va., and within 2.5 miles each side of the Richmond, Va., VORTAC 336° radial, extending from the 5.5-mile-radius area to 22 miles northwest of the VORTAC.

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 25, 1972.

LOUIS J. CARDINALI,
*Acting Director, Eastern Region.*

[FR Doc.72-7147 Filed 5-10-72;8:47 am]

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## [ 14 CFR Part 71 ]

[Airspace Docket No. 72-EA-51]

## TRANSITION AREA

### Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Georgetown, Del., transition area for Sussex County Airport, Georgetown, Del. The purpose of the area will be to protect aircraft executing approach and departure instrument procedures to the airport.

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 Georgetown, Del., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Georgetown, Del. 700-foot floor transition area as follows:

GEORGETOWN, DEL.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center 38°41'23" N., 75°21'38" W. of Sussex County Airport, Georgetown, Del., and within 2 miles each side of the Waterloo, Del., VORTAC 225° radial extending from the 6.5-mile radius area to the VORTAC.

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 26, 1972.

LOUIS J. CARDINALI,
*Acting Director, Eastern Region.*

[FR Doc.72-7148 Filed 5-10-72;8:47 am]

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## [ 14 CFR Part 71 ]

[Airspace Docket No. 72-EA-52]

## CONTROL ZONE AND TRANSITION AREA

### Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Martinsburg, Pa., control zone (37 F.R. 2104) and transition area (37 F.R. 2236). The purpose of the amendment is to provide additional airspace protection to the aircraft executing the instrument approach and departure procedure for Blair County Airport.

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 Martinsburg, Pa., proposes the airspace action hereinafter set forth:

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

Within a 5-mile radius of the center 40°17'-51" N., 78°19'10" W. of Blair County Airport, Martinsburg, Pa., extending clockwise from a 090° bearing to a 137° bearing from the airport; within a 7.5-mile radius of the center of the airport, extending clockwise from a 137° bearing to a 163° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 163° bearing to a 258° bearing from the airport; within a 7.5-mile radius of the center of the airport, extending clockwise from a 258° bearing to a 323° bearing from the airport; within a 8-mile radius of the center of the airport, extending clockwise from a 323° bearing to a 065° bearing from the airport; within a 7.5-mile radius of the center of the airport, extending clockwise from a 065° bearing to a 090° bearing from the airport and within 3 miles each side of the Altoona, Pa., VOR 026° radial, extending from the VOR to 8.5 miles northeast of the VOR.

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

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center 40°17'51" N., 78°19'10" W. of Blair County Airport, Martinsburg, Pa., extending clockwise from 061° bearing to a 076° bearing from the airport; within an 11-mile radius of the center of the airport, extending clockwise from a 076° bearing to a 096° bearing from the airport; within a 15-mile radius of the center of the airport, extending clockwise from a 096° bearing to a 128° bearing from the airport; within a 15.5-mile radius of the center of the airport, extending clockwise from a 128° bearing to a 158° bearing from the airport; within a 11-mile radius of the center of the airport, extending clockwise from a 158° bearing to a 180° bearing from the airport; within an 11-mile radius of the center of the airport, extending clockwise from a 180° bearing to a 245° bearing from the airport, within an 11-mile radius of the center of the airport, extending clockwise from a 245° bearing to a 260° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 260° bearing to a 314° bearing from the airport; within a 9-mile radius of the center of the airport, extending clockwise from a 314° bearing to a 357° bearing from the airport; within an 11.5-mile radius of the center of the airport, extending clockwise from a 357° bearing to a 031° bearing from the airport; within a 13-mile radius of the center of the airport, extending clockwise from a 031° bearing to a 061° bearing from the airport; and within 9.5 miles northwest and 4.5 miles southeast of the Altoona, Pa., VOR 026° radial, extending from the VOR to 18.5 miles northeast of the VOR.

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 26, 1972.

LOUIS J. CARDINALI,
*Acting Director, Eastern Region.*

[FR Doc.72-7149 Filed 5-10-72;8:47 am]

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## [ 14 CFR Part 71 ]

[Airspace Docket No. 72-EA-55]

## CONTROL ZONE

### Proposed Alteration

The Federal Aviation Administration is considering amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Willow Grove, Pa., control zone (37 F.R. 2140). It is anticipated that the hours of effectivity of the control zone will be subject to variation in the future and it is desirable to permit this without recourse to rule making procedures for each variation. To this effect then, the control zone description will be changed to add authority to effect changes in the periods of effectivity by recourse to the NOTAM system and Airman's Information Manual.

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 Willow Grove, Pa., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Willow Grove, Pa., control zone the word "Sunday." and insert the following in lieu thereof, "Sunday or during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual."

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 26, 1972.

LOUIS J. CARDINALI,
*Acting Director, Eastern Region.*

[FR Doc.72-7150 Filed 5-10-72;8:47 am]

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## [ 14 CFR Part 71 ]

[Airspace Docket No. 71-SO-119]

## CONTROL ZONES AND TRANSITION AREAS

### Proposed Alteration

The Federal Aviation Administration (FAA) is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the following control zones and transition areas: Aguadilla, P.R.; Charlotte Amalie, Saint Thomas, V.I.; Christiansted, St. Croix, V.I.; and San Juan, P.R.

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

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the

Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since these actions involve, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

If the airspace actions proposed in this docket are adopted, the Aguadilla, Charlotte Amalie, and San Juan control zones would be redescribed and the Christiansted control zone would be altered as follows:

1. Aguadilla, P.R.:

Within a 6-mile radius of Ramey AFB (lat. 18°29'45" N., long. 67°08'00" W.); within 3 miles each side of the Ramey VORTAC 257° radial, extending from the 6-mile-radius zone to 8.5 miles west of the VORTAC.

2. Charlotte Amalie, Saint Thomas, V.I.:

Within a 6-mile radius of Harry S. Truman Airport (lat. 18°20'26" N., long. 64°58'11" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the FAA publication International NOTAM's.

3. In the description of the Christiansted control zone the geographic position of the Alexander Hamilton Airport would be changed from lat. 17°42'15" N., long. 64°47'55" W. to lat. 17°42'13" N., long. 64°47'54" W. and the bearing from the St. Croix RBN would be changed from 207° to 208°.

4. San Juan, P.R.:

Within a 5-mile radius of Puerto Rico International Airport (lat. 18°26'48" N., long. 66°00'07" W.); within a 3-mile radius of Isla Grande Airport (lat. 18°27'33" N., long. 66°05'55" W.); within 5 miles each side of the San Juan VORTAC 058° radial, extending from the VORTAC to 13 miles northeast of the VORTAC; within 3.5 miles each side of the San Juan VORTAC 086° radial, extending from the 5-mile-radius zone to 11 miles east of the VORTAC; within 2 miles each side of the ILS localizer west course, extending from the 5-mile-radius zone to 1 mile east of the San Pat RBN.

The Aguadilla and Charlotte Amalie transition areas would be redescribed and the Christiansted and San Juan transition areas would be altered as follows:

1. Aguadilla, P.R.:

That airspace extending upward from 700 feet above the surface within a 12-mile radius of Ramey AFB (lat. 18°29'45" N., long. 67°08'00" W.); within a 10-mile radius of Mayaguez Airfield (lat. 18°15'26" N., long. 67°08'58" W.).

2. Charlotte Amalie, Saint Thomas, V.I.:

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Harry S. Truman Airport (lat. 18°20'26" N., long. 64°58'11" W.); that airspace extending upward from 1,200 feet above the surface within a 15-mile radius of Harry S. Truman Airport; within 9.5 miles west and 4.5 miles east of Saint Thomas VOR 358° radial, extending from the 15-mile-radius area to 18.5 miles north of the VOR.

3. In the description of the Christiansted transition area, the geographic position of the Alexander Hamilton Airport would be changed from lat. 17°42'15" N., long. 64°47'55" W., to lat. 17°42'13" N., long. 64°47'54" W., and the bearings from the St. Croix RBN would be changed from 207° to 208°.

4. The San Juan transition area would be altered as follows:

a. The 700-foot floor portion would be redescribed as follows:

That airspace extending upward from 700 feet above the surface south of lat. 18°23'09" N. within a 20-mile radius of Puerto Rico International Airport (lat. 18°26'48" N., long. 66°00'07" W.); that airspace north of lat. 18°23'00" N. within a 12-mile radius of Puerto Rico International Airport; within 5 miles each side of the San Juan VORTAC 058° radial, extending from the 12-mile-radius area to 15 miles northeast of the VORTAC; within 4 miles each side of the San Juan VORTAC 086° radial, extending from the 12-mile-radius area to 12 miles east of the VORTAC; within 5 miles each side of the 101° bearing from the Dorado RBN, extending from the 12-mile and 20-mile-radius areas to the Dorado RBN; within 9.5 miles north and 4.5 miles south of the 277° bearing from the San Pat RBN, extending from the 12-mile and 20-mile-radius areas to 18.5 miles west of the RBN.

b. In the description of the 1,200-foot floor portion airport geographic positions would be changed as follows:

Harry S. Truman Airport from lat. 18°20'25" N., long. 64°58'10" W.; to lat. 18°20'26" N., long. 64°58'11" W.; and Ramey AFB from lat. 18°29'50" N., long. 67°07'45" W.; to lat. 18°29'45" N., long. 67°08'00" W.

c. In the description of the 2,000-foot floor portion, the latitude in the geographic position of the Isla Grande Airport would be changed from lat. 18°27'30" N., to lat. 18°27'33" N.

The alteration of control zones and transition areas proposed herein is necessary to provide controlled airspace for IFR operations to and from the airports involved in conformance with Terminal Instrument Procedures and existing airspace criteria.

These amendments are proposed under the authority of section 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a), and 1510), Executive Order 10854 (24 F.R. 9565) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on May 3, 1972.

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

[FR Doc.72-7154 Filed 5-10-72;8:48 am]

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## [ 14 CFR Part 71 ]

[Airspace Docket No. 72-SO-29]

## FEDERAL AIRWAY SEGMENT

### Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate an east alternate segment to Federal Airway No. 49.

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

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

The Federal Aviation Administration proposes to designate V-49 east alternate segment from Decatur, Ala., direct Nashville, Tenn., direct to Bowling Green, Ky.

This proposed airway segment will benefit the public by providing improved navigation and protection along this route frequently used by aircraft operating between these points.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C.

1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on May 3, 1972.

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

[FR Doc.72-7153 Filed 5-10-72;8:48 am]

## [ 14 CFR Part 71 ]

[Airspace Docket No. 72-RM-5]

## FEDERAL AIRWAY SEGMENTS

### Proposed Alteration and Revocation

The Federal Aviation Administration (FAA) is considering amendments to Part 71 of the Federal Aviation Regulations that would realign a segment of VOR Federal airway No. 293 between Mormon Mesa, Nev., and Wilson Creek, Nev.; and revoke VOR Federal airway No. 8 north alternate segment between the Hurricane, Utah, Intersection and Bruce Canyon, Utah.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Director, Rocky Mountain Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station, Post Office Box 7213, Denver, CO 80207. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of the comments received.

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

The FAA proposes the following airspace actions:

1. Realign V-293 segment from Bryce Canyon direct to Cedar City, Utah, direct to Wilson Creek, Nev. Floors for this airway segment would be established at 1,200 feet AGL from Bryce Canyon to 37NM NW of Cedar City thence 10,800 feet MSL to Wilson Creek.

2. Revoke V-8 north alternate segment between Hurricane Intersection and Bryce Canyon.

These proposed actions would provide a direct east/west route for traffic into and from the Cedar City terminal area and would expedite traffic to and from the Wilson Creek and Bryce Canyon terminal areas.

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

Issued in Washington, D.C., on May 3, 1972.

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

[FR Doc.72-7151 Filed 5-10-72;8:48 am]

## [ 14 CFR Part 71 ]

[Airspace Docket No. 72-SW-29]

## TRANSITION AREA

### Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Pampa, Tex., 700-foot transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

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

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

PAMPA, TEX.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Perry Le Fors Airport (latitude 35°36'25" N., longitude 100°59'55" W.), and within 3½ miles each side of the 001° T (350° M) bearing from the Pampa RBN (latitude 35° 36'40" N., longitude 100°59'45" W.) extending from the 7-mile-radius area to 11.5 miles north of the RBN.

Alteration of the 700-foot transition area will adjust the controlled airspace to conform to current terminal instrument procedures (TERP's) criteria. The northerly extension of the transition area will be widened from 4 miles to 7 miles and lengthened by 3.5 miles.

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

Issued in Fort Worth, Tex., on May 1, 1972.

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

[FR Doc.72-7155 Filed 5-10-72;8:48 am]

## [ 14 CFR Parts 71, 73 ]

[Airspace Docket No. 72-RM-8]

## RESTRICTED AREA AND CONTINENTAL CONTROL AREA

### Proposed Designation and Alteration

The Federal Aviation Administration (FAA) is considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would designate a joint-use restricted area at Blanding, Utah, and include it in the Continental Control Area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Rocky Mountain Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station, Post Office Box 7213, Denver, CO 80207. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

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

The restricted area is requested to provide for the launching of the U.S. Army Pershing ballistic missiles. The boundaries are defined so as to contain the first stage booster impact and, when required, the unignited second stage and missile warhead. A normal launch would result in the expended second stage and the warhead impacting in R-5107 A, B, or C. The proposed area will be activated for a period of approximately 4 months, commencing September 14, 1972, through December 31, 1972. Tentatively, 12 launches are scheduled for the period September 1, 1972, through December 31, 1972, during which time the proposed restricted area would be activated for approximately 2 hours for each launch. The launch site restricted area would be utilized only long enough to clear the area of air traffic and to launch the missile. Immediately thereafter, the area would be released for general usage.

The need for restricted airspace for this activity is a recurring one and it is expected that it would be activated annually for approximately a 4-month period. As there is no expected change in justification, each successive period would be designated by a rule published in the FEDERAL REGISTER.

The FAA is considering the designation of R–6410, Blanding, Utah, as follows:

1. R–6410 Blanding, Utah:

Boundaries. Beginning at latitude 37°33'-00'' N., longitude 109°33'00'' W.; to latitude 37°21'00'' N., longitude 109°21'00'' W., to latitude 37°10'00'' N., longitude 109°08'00'' W., to latitude 37°03,00'' N., longitude 109°-29'00'' W.; to latitude 37°31'00'' N., longitude 109°29'00'' W.; to latitude 37°31'00'' N., longitude 109°36'00'' W.; to point of beginning.

Designated altitudes. Surface to unlimited.

Time of designation. From September 14, 1972, through December 31, 1972, unless canceled sooner by Notices to Airmen. All subsequent firing periods would be designated by a rule published in the FEDERAL REGISTER.

Controlling agency. Federal Aviation Administration, Denver ARTC Center.

Using agency. Air Force Special Weapons Center, Air Force Systems Command, Kirtland AFB, N. Mex.

2. The Continental Control Area would be altered by adding Restricted Area R–6410, Blanding, Utah.

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

Issued in Washington, D.C., on May 3, 1972.

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

[FR Doc.72-7152 Filed 5-10-72;8:48 am]

# ENVIRONMENTAL PROTECTION AGENCY

## [ 40 CFR Part 180 ]

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

### Proposed Interim Tolerances

*Correction*

In F.R. Doc. 72–6858 appearing at page 9228 in the issue of Saturday, May 8, 1972, the following changes should be made:

1. The first sentence of the first paragraph should read as follows: "In the FEDERAL REGISTER of April 13, 1966 (31 F.R. 5723), the Secretaries of Agriculture and Health, Education, and Welfare issued a joint statement to the effect that all pesticides registered for food or feed on a no-residue, or zero tolerance, basis must have negligible residue tolerances established by December 31, 1970, or registration would be canceled."

2. In the table the name in parentheses following the seventh entry from the bottom in the left-hand column, Parathion, now reading "(*O,O*-diethyl-*O*-nitrophenylthiophosphate)", should read "(*O,O* - diethyl-*O*-*p*-nitrophenylthiophosphate)".

# FEDERAL HOME LOAN BANK BOARD

## [ 12 CFR Part 545 ]

[72-539]

## FEDERAL SAVINGS AND LOAN SYSTEM

### Loans Without the Requirement of Security

MAY 2, 1972.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) for the purposes of (1) implementing certain amendments to section 5(c) of the Home Owners' Loan Act of 1933, as amended, contained in Public Law 90–448, 82 Stat. 476, approved August 1, 1968, by authorizing Federal savings and loan associations to invest in unsecured loans for the construction of new structures related to the residential use of property (including vacation homes) and for equipping of residential real property (as explained in the attached statement) and (2) making certain revisions of an editorial nature. Accordingly, the Federal Home Loan Bank Board proposes to amend said Part 545 by revising paragraph (b) of § 545.6–3 and § 545.8 to read as follows:

**§ 545.6–3 Lending powers under other charter provisions.**

Except as otherwise provided in paragraph (c) of this section any Federal association that has amended Charter K by the addition thereto of § 14.1 of this title and any Federal association which has a charter in any other form not inconsistent with the provisions of §§ 545.6 to 545.6–13, may upon authorization by its board of directors and without further action by its members, make the following types of loans and the use by any such association of the applicable loan plans, practices, procedures, and maximum lending percentages is hereby approved by the Board:

* * * * *

(b) *Loans guaranteed at least 20 percent.* Any loan (with or without security) at least 20 percent of which is guaranteed under chapter 37 of title 38, United States Code; and

* * * * *

**§ 545.8 Loans without requirement of security.**

(a) Without regard to any other provision of this part except the first two sentences of § 545.6–10, any Federal association that has amended Charter K by the addition thereto of § 14.1 of this title and any Federal association that has a charter in the form of Charter K (rev.) or Charter N may, upon adoption of such a loan plan by its board of directors, invest in loans of the following types, but no investment shall be made under this section if immediately after such investment the outstanding aggregate of all investments of the association made under this section would exceed 20 percent of the association's assets:

(1) Any loan, with or without security, for property alteration, repair, or improvement, including the construction of new structures related to residential use of the property, or for the equipping of any residential real property, if the following requirements are met:

(i) The principal balance of the loan does not exceed $5,000;

(ii) The property is located in such association's regular lending area, as defined in § 545.6–6;

(iii) The loan is evidenced by one or more notes, bonds, or other written evidences of debt;

(iv) The loan is repayable in equal installments not less frequently than quarterly with the first installment due no later than 2 months from the date the loan is made and the final installment due no later than 10 years from such date. However, the loan contract may provide for a first or final installment, or both, in an amount other than that of the regular installment but, in such instance, such installment shall not be less than one-half of, nor more than one and one-half times, the amount of the regular installment; and

(v) Investment in a loan for the equipping of residential real property will not cause the outstanding aggregate of all investments in loans for the equipping of such property to exceed 5 percent of an association's assets.

(2) Any loan insured under title I of the National Housing Act and any home improvement loan insured under title II of said Act, if the property to which such loan relates is located within the association's regular lending area, as defined in § 545.6–6.

(3) Any unsecured loan insured or guaranteed under the provisions of the Servicemen's Readjustment Act of 1944, as referred to in the fourth sentence of subsection (c) of section 5 of the Home Owners' Loan Act of 1933, or under chapter 37 of title 38, United States Code.

(b) No Federal association may make any loan under this section to a director, officer, or employee of the association, or to any person, firm, or member of any firm regularly serving the association in the capacity of attorney at law, except for (1) the alteration, repair, improvement, or equipping of a home or combination of home and business property owned and occupied, or to be owned and occupied, as a home by such director, officer, employee, attorney, or member or (2) the construction of new structures related to the residential use of property owned and occupied, or to be owned and occupied, as a home by such director, officer, employee, attorney, or member.

(Sec. 5, 48 Stat. 132, sec. 1802, 72 Stat. 1203, as amended; 12 U.S.C. 1464, 38 U.S.C. 1802. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

Resolved further that interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank

Board, 101 Indiana Avenue NW., Washington, DC 20552, by June 2, 1972, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

EXPLANATORY STATEMENT WITH RESPECT TO PROPOSED REGULATORY AMENDMENT RELATING TO LOANS FOR EQUIPPING RESIDENTIAL REAL PROPERTY

The proposed amendment to § 545.8 of the rules and regulations for the Federal Savings and Loan System contained in Board Resolution No. ------, adopted May 2, 1972, is designed in part to implement the authority granted to the Board by the Housing and Urban Development Act of 1968 (Public Law 90-448) approved August 1, 1968, to authorize Federal savings and loan associations to make loans for equipping residential real estate, whether or not such loans are secured by a lien on such equipment or such real estate. This proposal provides in part as follows: each such loan shall be subject to a $5,000 ceiling and shall be repayable in regular installments not less frequent than quarterly within a period of 10 years; the property to be equipped must be within the lender's regular lending area; and the aggregate amount of all such equipping loans shall not exceed 5 percent of the lending association's assets and shall be included in the loans subject to the overall 20-percent-of-assets limitation for all loans made under § 545.8.

In the preparation of the proposed regulation, the meaning of the term "equipping", as used in the statute and the proposed regulation, came into question. Items on the following list, which is illustrative rather than exhaustive, constitute eligible items for which a Federal association may make an "equipping" loan under § 545.8.

Some of the items listed will simultaneously qualify with respect to "improvement" as well as "equipping" of real property. In such cases of dual qualification, the lender may classify such loans as within the "improvement" category (subject only to the overall 20-percent-of-assets limitation of § 545.8) rather than the "equipping" category (subject to both the 20-percent and the 5-percent-of-assets limitations in § 545.8), thereby leaving the maximum amount available for "equipping" loans.

Air cleaner, electronic.
Air conditioning, central.
Air conditioning, window.
Alarm system, burglar or fire.
Bookcase.[1]
Cabinet, kitchen.
Carpeting, wall-to-wall.
Chandelier.
Cleaner, vacuum.[1]
Communications system.
Dehumidifier.
Dinette.[1]
Dishwasher.
Disposal, garbage.
Door, interior, exterior/interior or storm.
Drapery.
Drapery hardware.
Dryer, clothes.
Fan, attic, kitchen, or window.
Floor covering, asphalt, linoleum, vinyl, cork or other.
Freezer.
Heater, hot water.
Humidifier.
Iron, clothes (automatic only).
Lawn Sprinkler System.
Phonograph [1]
Radiator cover.
Radio.[1]
Range.
Refrigerator.
Shutters.
Television.[1]
Utility building.
Valance and cornice.
Venetian blind.
Washing machine, clothes.
Water softener.
Water System, pump, tank, and piping.
Window, storm.
Workshop equipment, installed.

[1] These items qualify for inclusion only when built into the property or so affixed as to be inseverable without damage to the property.

[FR Doc.72-7176 Filed 5-10-72;8:52 am]

# FEDERAL POWER COMMISSION

[ 18 CFR Part 157 ]

[Docket No. R-442]

## FIELD GAS COMPRESSION FACILITIES

### Budget-Type Applications

MAY 5, 1972.

Pursuant to 5 U.S.C. 553 and sections 7 (b), (c), (d), and (e) and 16 of the Natural Gas Act, as amended (52 Stat. 824, 825, 830 (1938); 56 Stat. 83, 84 (1942); 15 U.S.C. 717f, 717o), the Commission gives notice it proposes to amend § 157.7 of Part 157—Applications for Certificates of Public Convenience and Necessity and for Orders Permitting and Approving Abandonment Under Section 7 of the Natural Gas Act, Subchapter E—Regulations under the Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations, by adding a new paragraph (f) which would permit natural gas companies to file budget-type applications for certificates of public convenience and necessity authorizing relocation and construction of certain gas purchase facilities and for orders permitting and approving abandonment of facilities under section 7 of the Natural Gas Act.

Budget-type certificates are presently issued by the Commission authorizing construction for a limited period of time and operation of gas purchase, gas sales, and underground storage facilities, pursuant to paragraphs (b), (c), and (d), respectively, of § 157.7 of the regulations under the Natural Gas Act. Budget-type orders are also issued by the Commission under paragraph (e) of § 157.7 of the regulations permitting and approving abandonment of service and direct sales facilities during a given 12-month period. There is no provision, under the Commission's regulations, for budget-type authorization permitting abandonment and budget-type certificates authorizing relocation and construction of gas purchase facilities. Although the Commission has occasionally certificated the relocation and construction of such facilities for a limited period of time and permitted abandonment thereof, pursuant to paragraph (b) of § 157.7,[1] such action by the Commission will be discontinued in the absence of an appropriate rule in this area.[2]

The amendment proposed herein would permit natural gas companies to file budget-type applications for authorization to remove and relocate field gas compression facilities which would augment the applicant's ability to take into its certificated pipeline system supplies of natural gas purchased from producers. Removal and relocation of the facilities indicated would serve to offset normal declines in wellhead pressures and thereby enable the applicant to reduce gathering line pressures to meet contractual obligations. The proposed budget-type authorization to abandon the relocate gathering system compressor facilities will also provide the applicant with the flexibility to meet promptly the changing conditions in the producing fields attached to its system by permitting timely deployment of available facilities.

The proposed amendment to Part 157 of the Commission's regulations under the Natural Gas Act would be issued under the authority granted the Federal Power Commission by the Natural Gas Act, as amended, particularly sections 7 and 16 (52 Stat. 824, 825, 830 (1938); 56 Stat. 83, 84 (1942); 15 U.S.C. 717f, 717o).

It is proposed to amend § 157.7 of Part 157, Chapter I, Title 18 of the Code of Federal Regulations, by adding a new paragraph (f) so that it will read as follows:

§ 157.7 Abbreviated applications.

* * * * *

(f) *Field gas compression facilities—budget-type application.* An abbreviated application requesting a budget-type authorization permitting abandonment of field gas compression facilities and a budget-type certificate authorizing relocation and construction during a given 12-month period and operation of said facilities may be filed when:

(1) The proposed relocation and construction of field gas gathering compression facilities will not result in any increased system saleable capacity but will permit the applicant most effectively to utilize facilities to take gas into its system for use in meeting the requirements of its customers.

(2) The facilities to be relocated and constructed shall be used only in connection with the transportation of natural gas purchased by the applicant from an independent producer thereof or other

[1] See order issued February 11, 1972, in Docket No. CP72-83 (47 FPC ------) and order issued May 4, 1972, in Docket No. CP72-149 (47 FPC ------).

[2] Opinion No. 409, East Tennessee Natural Gas Co., Docket No. CP63-212 (30 FPC 1197).

similar seller authorized by the Commission to sell natural gas to the applicant for resale in interstate commerce.

(3) The total cost of removing, relocating, and constructing field gas gathering compression facilities pursuant to the proposed budget-type authority will not exceed $1 million and will be financed by the applicant from cash-on-hand and from funds generated through operations.

(4) The application contains a statement of the maximum number of field gas gathering compression facilities to be removed and relocated during the 12-month period.

(5) The applicant agrees to file with the Commission within 60 days after the expiration of the authorized relocation and construction:

(i) A statement showing for each individual project a description of the facilities relocated and constructed and the docket numbers of the prior proceedings in which the facilities were certificated.

(ii) A statement indicating in each case the reason for the relocation of facilities.

(iii) A concise description of the changes of property indicating the cost of property relocated and constructed, the cost of any property abandoned in place, and the cost of property removed and salvaged together with the relevant information required by paragraph (f) of § 157.18.

(iv) A geographic map or maps of suitable scale and detail showing the location from which the facilities are removed and the new location of such facilities.

(v) A statement showing the names of the independent producers or other sellers from whom the natural gas is being purchased together with the respective dates of their gas sales contracts, FPC gas rate schedule designations, and related certificate docket numbers.

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than June 19, 1972, data, views, comments, or suggestions in writing concerning all or part of the amendment proposed herein. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C. 20426, during regular business hours. Submittals to the Commission should indicate the name, title, mailing address, and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing them requests a conference with the staff of the Federal Power Commission to discuss the proposed amendment. The staff in its discretion may grant or deny requests for a conference. The Commission will consider all written submittals before acting on the proposed amendment herein.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.72-7182 Filed 5-10-72;8:51 am]

# FEDERAL TRADE COMMISSION

## [ 16 CFR Parts 300, 301, 303 ]

## WOOL PRODUCTS LABELING ACT OF 1939 ET AL.

### Proposed Abolishment of System of Issuance and Use of Registered Identification Numbers

Notice is hereby given that the Federal Trade Commission is considering the abolishment of the system of issuance and use of registered identification numbers as required identification under the Wool Products Labeling Act of 1939, the Fur Products Labeling Act and the Textile Fiber Products Identification Act one year from the date of publication of this announcement in the FEDERAL REGISTER (5-11-72).

Registered identification numbers are presently issued by the Commission upon request and the identities of holders thereof are treated as confidential information, which may be released only upon application showing good cause for such request. These numbers at the present time are permitted for use in lieu of the name required under the above-mentioned statutes.

Written comments on the proposed action are invited from interested persons for 60 days after publication of the announcement in the FEDERAL REGISTER. The Commission's final determination will be made after consideration of the comments received.

By direction of the Commission dated April 24, 1972.

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

[FR Doc.72-7156 Filed 5-10-72;8:48 am]

# Notices

## DEPARTMENT OF DEFENSE

### Office of the Secretary of Defense

### INDEPENDENT RESEARCH AND DEVELOPMENT PROGRAMS

### Establishment of Policy and Technical Evaluation

The Director of Defense Research and Engineering approved the following:

Reference:
(a) Armed Services Procurement Regulation (ASPR) (32 CFR 15–205.35).

I. *Purpose.* This instruction prescribes the role, mission, and composition of the Independent Research and Development (IR&D) Policy Council. Further, it assigns responsibilities and outlines procedures for the technical evaluation and review of contractor Independent Research and Development (IR&D) programs, as defined in reference (a).

II. *Applicability.* The provisions of this instruction apply to the elements of the Office of the Secretary of Defense and to the Departments of the Army, the Navy, and the Air Force.

III. *Definitions.* A. The IR&D Policy Council is an organization charged with developing and securing Secretary of Defense approval, and disseminating DOD policy and guidance essential to the administration of the DOD IR&D program, and related Bid and Proposal (B&P) activities.

B. Relevant IR&D projects are those that are considered to have a potential relationship to a military function or operation. IR&D projects aimed only at commercial or non-DOD areas of interest are not considered relevant. Relevancy determination is part of the evaluation process.

C. A lead Department is the Military Department responsible for arranging and conducting onsite reviews and for coordinating and summarizing technical evaluations of project descriptions in brochure.

IV. *Responsibilities and procedures.* A. The Director of Defense Research and Engineering (DDR&E), as Chairman of the IR&D Policy Council, shall be responsible for convening the Council and for taking such actions as may be appropriate in carrying out the mission of the Council in accordance with its charter (Enclosure 1).

B. The Secretaries of the Military Departments shall be responsible for the following:

1. *Evaluation of project descriptions.* Evaluate the written descriptions of IR&D projects (generally referred to as brochures) furnished by companies, and submit to the lead Department either a written evaluation report of each company's submitted IR&D program or a statement of the reason it was not evaluated. The lead Department shall verify that the overall evaluation has covered at least 90 percent of the dollar value of each company's IR&D program to insure that the evaluation is valid.

2. *Onsite review of projects.* Conduct an onsite review of company IR&D programs. Those companies with whom the Government negotiates advance agreements for IR&D will have their IR&D programs reviewed on site at least once every 3 years. The companies that have substantial IR&D programs but, by law, do not require advance agreements will have onsite reviews at least once every 4 years.

C. *IR&D technical evaluation group*—1. *Membership.* a. Each Military Department shall designate a departmental IR&D manager to carry out the functions set forth in IV.C.2.

b. The DDR&E shall appoint a chairman who, with the three departmental IR&D managers, will constitute the IR&D technical evaluation group.

2. *Responsibilities.* The IR&D technical evaluation group shall:

a. Establish criteria, methodology, and evaluation forms that will be used uniformly by the Military Departments for performing the technical evaluations and ratings of company IR&D programs. Such evaluations must include, but need not be limited to, the determination of the relevance and quality of each IR&D project and the categorization of each project as research or development in accord with the ASPR definition (32 CFR 15–205.35).

b. Designate the lead Department for each company.

c. Establish uniform procedures for debriefing companies who IR&D programs have been reviewed.

d. Determine the standard format for submitting companies' IR&D project descriptions.

e. Establish a schedule for submission of companies' IR&D brochures.

f. Establish procedures for providing the Defense Contract Administration Services with technical evaluations of company-submitted IR&D project descriptions to support their negotiation of advance agreements required by law.

g. Establish, prior to the start of each calendar year, the annual schedule for onsite IR&D reviews.

h. Establish procedures for providing the Department-designated negotiator with a technical evaluation of each IR&D program for use in determining the IR&D advance agreement with each company.

i. Provide assistance to the contracting officers on an as-needed basis in determining the relevance of B&P effort.

D. *Departmental IR&D managers' responsibilities.* Each departmental IR&D manager shall:

1. Designate the organizations within his Department that are responsible for evaluating each company's IR&D projects.

2. Insure an effective evaluation of the company-submitted IR&D project descriptions.

3. Prepare and submit to the lead Department a consolidated report of results of the evaluations performed by his Department.

4. Arrange for, and participate in, onsite IR&D reviews as required.

5. Maintain an up-to-date distribution list for IR&D brochures.

E. *Funding for technical evaluations.* Each year, the Military Departments shall submit, in their RDT&E budgets, estimates of the expenses required to support the technical evaluations of companies' IR&D programs. Details regarding the format for submittal shall be included in the annual call for a project listing.

V. *Implementation.* A. The Military Departments shall inform the DDR&E of the names of their IR&D managers within 30 days after the date of this instruction.

B. The Military Departments shall provide two copies of implementing instructions to the DDR&E within 60 days after the date of this instruction.

VI. *Effective date.* This instruction is effective immediately.

MAURICE W. ROCHE,
*Director, Correspondence and Directives Division OASD (Comptroller).*

CHARTER OF THE DOD INDEPENDENT RESEARCH AND DEVELOPMENT POLICY COUNCIL

I. *Purpose.* This charter prescribes the mission, composition, and administration of the DOD Independent Research and Development (IR&D) Policy Council.

II. *Mission.* The mission of the DOD IR&D Policy Council is to develop, secure Secretary of Defense approval, and disseminate DOD policy and guidance essential to the efficient administration of the DOD IR&D program, and related Bid and Proposal (B&P) activities. This policy and guidance shall encompass such facets of the program as: the proper level of DOD support required; an outline of the goals of IR&D and B&P; the mechanisms to be employed to increase or decrease the overall level of effort; guidance necessary to assure valid potential relevancy determinations; appropriate negotiation policies; and response to congressional inquiries.

III. *Composition.* The members of the DOD IR&D Policy Council will be the Director of Defense Research and Engineering, who will serve as Chairman; the Assistant Secretaries of Defense (I&L) and (C); the Assistant Secretaries for (R&D) and (I&L) from the Army, the Navy, and the Air Force. A NASA representative and an AEC representative will participate as observers.

IV. *Operation.* A. The Assistant Secretary of Defense (I&L) will designate an individual to act as Secretary to the Council.

B. The Secretary to the Council will receive from members any items for discussion; prepare the agenda and minutes of

each meeting; obtain the Chairman's approval of the agenda and minutes prior to issuance.

C. The Council will meet before the end of each calendar year for the purpose of establishing the IR&D/B&P objectives and guidelines for the next calendar year. Other meetings of the Council will be held at the call of the Chairman.

D. The Council may establish such ad hoc working groups as may be required for the accomplishment of matters which come before it.

E. The Council decisions will be implemented by appropriate Council members.

V. *Duration.* The Council will automatically terminate upon completion of its mission or not later than 2 years from the effective date of its formation, whichever is earlier, unless approval is obtained in advance to continue the Council another 2-year period in accordance with Committee management directives. The activities of the Council will be evaluated annually by the Director of Defense Research and Engineering to determine if the Council should be continued.

[FR Doc.72-7197 Filed 5-10-72;8:51 am]

# DEPARTMENT OF JUSTICE

## Bureau of Narcotics and Dangerous Drugs

### SCHEDULES OF CONTROLLED SUBSTANCES

### Petition To Transfer Certain Depressants to Schedule II Accepted for Filing

On March 8, 1972, the Bureau of Narcotics and Dangerous Drugs received a petition for the initiation of proceedings to transfer any salt, compound, mixture, or preparation containing amobarbital, secobarbital, pentobarbital, and glutethimide from Schedule III to Schedule II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91-513) and to place any salt, compound, mixture, or preparation containing methaqualone, currently not a controlled substance, in Schedule II of that Act. The petitioners are Robert M. Brandon and Steven T. Wax, co-Directors of the Task Force on Drug Abuse, and four other persons.

On April 4, 1972, the Bureau received a letter from the American Public Health Association requesting to join in the petition from the Task Force on Drug Abuse.

By letters dated May 5, 1972, the Bureau notified the petitioners and the American Public Health Association that the petition had been accepted for filing in accordance with 21 CFR 308.44(c). The Bureau is presently reviewing and evaluating the petition in order to determine whether the grounds upon which the petitioners rely are sufficient to justify the initiation of the requested proceedings.

If and when the Director determines that proceedings should be initiated, a general notice of any proposed rule making will be published in the FEDERAL REGISTER.

Dated: May 8, 1972.

JOHN E. INGERSOLL,
*Director, Bureau of Narcotics and Dangerous Drugs.*

[FR Doc.72-7174 Filed 5-10-72;8:49 am]

# DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

[Colorado 15959]

### COLORADO

### Notice of Proposed Withdrawal and Reservation of Lands

MAY 5, 1972.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. C-15959, for the withdrawal of the lands described below, from prospecting, location, and entry under the general mining laws only, subject to valid existing rights.

The applicant desires the lands for public campgrounds.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Colorado State Office, 700 Colorado State Bank Building, 1600 Broadway, Denver, CO 80202.

The Department's regulations (43 CFR 2351.4(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

PIKE NATIONAL FOREST

SIXTH PRINCIPAL MERIDIAN

*Springdale Campground*

T. 12 S., R. 68 W.,
Sec. 20, NE¼NW¼, E½NW¼NW¼.

*Clyde Campground*

T. 15 S., R. 68 W.,
Sec. 20, W½SW¼NE¼, E½SE¼NW¼, E½NE¼NE¼SW¼, NW¼NW¼SE¼.

*Crags Campground*

T. 13 S., R. 69 W.,
Sec. 32, E½SE¼SE¼; and
Sec. 33, SW¼SW¼.

*Wildhorn Campground*

T. 11 S., R. 70 W.,
Sec. 29, S½SW¼SW¼; and
Sec. 32, NW¼NW¼.

The areas described aggregate 235 acres.

J. ELLIOTT HALL,
*Chief, Division of Technical Services.*

[FR Doc. 72-7187 Filed 5-10-72;8:50 am]

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[Colorado 15960]

### COLORADO

### Notice of Proposed Withdrawal and Reservation of Lands

MAY 5, 1972.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. C-15960, for the withdrawal of the lands described below, from prospecting, location, and entry under the general mining laws only, subject to valid existing rights.

The applicant desires the lands for a campground, a picnic ground, a historical site and a highway overlook.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Colorado State Office, 700 Colorado State Bank Building, 1600 Broadway, Denver, CO 80202.

The Department's regulations (43 CFR 2351.4(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine

whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

GUNNISON NATIONAL FOREST

NEW MEXICO PRINCIPAL MERIDIAN

*Williams Creek Campground*

T. 42 N., R. 4 W.,
Sec. 8, N½NW¼, N½S½NW¼.

*Windy Point Overlook*

T. 43 N., R. 3 W.,
Sec. 18, East 10 chains of lot 2, NW¼SE¼NW¼, N½SW¼SE¼NW¼.

*Hidden Valley Picnic Ground*

T. 44 N., R. 2 W.,
Sec. 30, W½NW¼NE¼, E½NE¼NW¼.

GUNNISON AND SAN ISABEL NATIONAL FORESTS

NEW MEXICO PRINCIPAL MERIDIAN

*Alpine Tunnel Portals*

T. 51 N., R. 5 E.,
Sec. 22, S½SW¼;
Sec. 27, NW¼, N½SW¼; and
Sec. 28, NE¼, N½SE¼.

The areas described aggregate 755 acres.

J. ELLIOTT HALL,
*Chief,*
*Division of Technical Services.*

[FR Doc. 72-7188 Filed 5-10-72;8:50 am]

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[Serial I-4966]

## IDAHO

### Notice of Proposed Withdrawal and Reservation of Lands

MAY 4, 1972.

The Department of Agriculture has filed an application, Serial No. I-4966, for the withdrawal of the lands described below from all location and entry under the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for public purposes for a botanical area in the Coeur d'Alene National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 334 Federal Building, 550 West Fort Street, Boise, ID 83702.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of Agriculture. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record. If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

COEUR D'ALENE NATIONAL FOREST

*Settler's Grove of Ancient Cedar*

T. 50 N., R. 5 E.,
Sec. 4, NW¼NE¼ of lot 1, NW¼ of lot 1, SW¼SW¼ of lot 1, N½SW¼ of lot 1, SE¼NE¼ of lot 2, SE¼ of lot 2, NE¼SW¼NE¼, NW¼SE¼SW¼NE¼, E½NW¼SW¼NE¼, SW¼NW¼SW¼NE¼, SW¼SW¼NE¼, E½SE¼SE¼NW¼, SW¼SE¼SE¼NW¼, SE¼SW¼SE¼NW¼, NW¼NE¼SW¼, NE¼NE¼SW¼, S½NE¼NW¼SW¼, SE¼NW¼NW¼SW¼, NE¼SW¼NW¼SW¼, N½SE¼NW¼SW¼, and W½NW¼NW¼SE¼.
T. 51 N., R. 5 E.,
Sec. 33, S½SE¼NE¼SE¼, SE¼SW¼NE¼SE¼, NE¼SE¼SE¼, E½NW¼SE¼SE¼, W½SE¼SE¼SE¼, SW¼SE¼SE¼, and NE¼SE¼SE¼SE¼; and
Sec. 34, SW¼NW¼SW¼, NW¼SW¼SW¼, and S½NW¼NW¼SW¼.

The areas described aggregate 183.47 acres, more or less, in Shoshone County.

VINCENT S. STROBEL,
*Chief, Branch of*
*Lands and Minerals Operations.*

[FR Doc.72-7178 Filed 5-10-72;8:50 am]

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[Montana 21217]

## MONTANA

### Notice of Proposed Withdrawal and Reservation of Lands

MAY 3, 1972.

The Department of Transportation, Federal Highway Administration, on behalf of the Montana Highway Commission, has filed application, M 21217, for the withdrawal of the lands described below, from location and entry under the mining laws, subject to existing valid claims.

The applicant desires the land for proposed highway construction.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 316 North 26th Street, Billings, MT 59101.

The Department's regulations (43 CFR 2351.4(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

PRINCIPAL MERIDIAN, MONTANA

DEER LODGE NATIONAL FOREST

T. 6 N., R. 5 W.,
Sec. 18, lots 28 and 30.
T. 5 N., R. 6 W.,
Sec. 10, W½SW¼;
Sec. 15, lots 1 and 4, and SW¼SW¼; and
Sec. 21, NW¼SE¼ and NW¼NE¼SE¼.
T. 6 N., R. 6 W.,
Sec. 22, SW¼SW¼;
Sec. 24, lot 3; and
Sec. 34, lots 2, 3, and 6.

The areas described aggregate 404.03 acres in Jefferson County, Mont.

ROLAND F. LEE,
*Chief, Branch of*
*Lands and Minerals Operations.*

[FR Doc.72-7179 Filed 5-10-72;8:50 am]

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[U-14988]

## UTAH

### Proposed Withdrawal and Reservation of Lands

The U.S. Bureau of Reclamation, Department of the Interior, has filed application for the withdrawal of the lands described below, from location and entry under the mining laws, subject to existing valid rights.

The applicant desires the withdrawal for reclamation purposes in connection with the Whiterocks Dam and Reservoir, a proposed feature of the Uintah Unit, Central Utah Project. The lands are located within the Ashley National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 11505, Salt Lake City, UT 84111.

The Department's regulations (43 CFR 2351.4(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

T. 2 N., R. 1 W.,
Sec. 1, lot 1, E½SE¼NE¼, E½NW¼SE¼NE¼, NE¼SW¼SE¼NE¼, E½E½NE¼SE¼, NW¼NE¼NE¼SE¼; and
Sec. 12, E½NE¼SE¼, NW¼NE¼SE¼, N½SW¼NE¼SE¼, N½N½NW¼SE¼, SE¼NE¼NW¼SE¼, W½SW¼NE¼, SE¼SW¼NE¼, S½NE¼SW¼NE¼, SW¼SE¼NE¼, S½SE¼SE¼NE¼, NW¼SE¼SE¼NE¼, E½SE¼NW¼, E½NW¼SE¼NW¼, NE¼SW¼SE¼NW¼, NE¼NE¼NE¼SW¼.

T. 2 N., R. 1 E.,
Sec. 5, E½SW¼SW¼, E½W½SW¼SW¼, W½SW¼SW¼SW¼, W½W½SE¼SW¼, SW¼SW¼NE¼SW¼, S½SE¼NW¼SW¼;
Sec. 6, W½W½SW¼NE¼, W½W½SE¼, W½E½SW¼SE¼, SW¼, S½NW¼, lot 3, lot 4;
Sec. 7, W½NE¼, SE¼NE¼NE¼, E½NE¼NE¼NE¼, SE¼SW¼NE¼NE¼, E½NW¼, E½E½SW¼NW¼, NE¼NW¼NW¼, E½SE¼NW¼NW¼, NE¼NW¼NW¼NW¼, N½SW¼, N½SE¼SW¼, N½NW¼SW¼SW¼, NE¼SW¼SW¼, SE¼NE¼; and
Sec. 8, N½NW¼NW¼, SW¼NW¼NW¼, N½SE¼NW¼NW¼, SW¼SE¼NW¼NW¼, N½NW¼SW¼NW¼ SW¼NW¼SW¼NW¼, W½SW¼SW¼NW¼.

T. 3 N., R. 1 E.,
Sec. 31, W½SW¼NE¼SW¼, SW¼NW¼NE¼SW¼, W½NW¼SE¼SW¼, SW¼SE¼SW¼, W½SW¼, W½SW¼NW¼, W½E½SW¼NW¼, SE¼SE¼SW¼NW¼, SW¼NW¼NW¼, S½NW¼NW¼NW¼ SW¼NE¼NW¼NW¼, W½SE¼NW¼NW¼.

T. 3 N., R. 1 W.,
Sec. 36, E½SE¼, E½SE¼NE¼, E½W½SE¼NE¼, SW¼SW¼SE¼NE¼, SE¼NE¼NE¼, E½W½NE¼NE¼, S½NE¼NE¼NE¼, NW¼NE¼NE¼NE¼.

The area described aggregates 1349.77 acres.

R. D. NIELSON,
*State Director.*

[FR Doc.72-7068 Filed 5-10-72;8:45 am]

[Wyoming 34584]

## WYOMING

### Notice of Proposed Withdrawal and Reservation of Lands

MAY 2, 1972.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. Wyoming 34584, for the withdrawal of land described below, from location and entry under the general mining laws, but not the mineral leasing laws, subject to valid existing rights.

The applicant wishes to insure tenure of the described lands which contain valuable recreation improvements.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 2120 Capitol Avenue, Cheyenne, WY 82001.

The Department's regulations 43 CFR 2351.4(c) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in this application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

MEDICINE BOW NATIONAL FOREST

*Albany County, Esterbrook Campground*

T. 28 N., R. 71 W.,
Sec. 1, NW¼NW¼SW¼ and SW¼SW¼NW¼;
Sec. 2, E½NE¼SE¼ and SE¼SE¼NE¼.

*Woods Creek Campground*

T. 13 N., R. 77 W.,
Sec. 19, NW¼ of lot 6, North 10 chains of lot 7.

The areas described aggregate 78.28 acres.

DANIEL P. BAKER,
*State Director.*

[FR Doc.72-7186 Filed 5-10-72;8:50 am]

## Office of the Secretary

[INT DES 72-57]

## NORTH SIDE COLLECTION SYSTEM, FRYINGPAN-ARKANSAS PROJECT, COLO.

### Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement on a subunit feature of a proposed water supply project for the purpose of collecting and supplying supplementary irrigation, municipal and industrial water to the water-deficient cities of Pueblo and Colorado Springs, Colo., and the agricultural lands of the Arkansas River Valley in southeastern Colorado. Copies are available for inspection at the following locations:

Office of Ecology, Room 7620, Bureau of Recreation, Department of the Interior, Washington, D.C. 20240. Telephone (202) 343-4991.

Division of Engineering Support, Technical Services Branch, E&R Center, Denver Federal Center, Denver, Colo. 80225. Telephone (303) 234-3007.

Regional Director, Bureau of Reclamation, Denver Federal Center, Building 20, Denver, Colo. 80225. Telephone (303) 234-4441.

Project Manager, Fryingpan-Arkansas Project Office, Bureau of Reclamation, Post Office Box 515, Pueblo, CO 81002. Telephone (303) 544-5277.

Single copies of the draft statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. In addition, copies may be purchased from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151, for $3 each. Please refer to the statement number above.

Dated: May 4, 1972.

WILLIAM W. LYONS,
*Deputy Assistant Secretary of the Interior.*

[FR Doc.72-7189 Filed 5-10-72;8:50 am]

# DEPARTMENT OF AGRICULTURE

[Notice No. 61]

## TOBACCO, TYPE 12; NORTH CAROLINA

### Extension of Closing Date for Filing of Applications for 1972 Crop Year

Pursuant to the authority contained in § 401.103 of Title 7 of the Code of Federal Regulations, the time for filing applications for tobacco crop insurance for the 1972 crop year on type 12 tobacco in the North Carolina counties listed below is hereby extended until the close of business on May 12, 1972. Such applications

received during this period will be accepted only after it is determined that no adverse selectivity will result.

NORTH CAROLINA

| | |
|---|---|
| Bertie. | Hertford. |
| Edgecombe. | Nash. |
| Halifax. | |

RICHARD H. ASLAKSON,
*Manager.*

[FR Doc.72-7208 Filed 5-10-72;8:51 am]

[Notice No. 62]

## PEANUTS, ALABAMA AND GEORGIA

### Extension of Closing Date for Filing of Applications for 1972 Crop Year

Pursuant to the authority contained in § 401.103 of Title 7 of the Code of Federal Regulations, the time for filing applications for peanut crop insurance for the 1972 crop year in all counties in Alabama and Georgia where such insurance is otherwise authorized to be offered is hereby extended until the close of business on May 12, 1972. Such applications received during this period will be accepted only after it is determined that no adverse selectively will result.

RICHARD H. ASLAKSON,
*Manager.*

[FR Doc.72-7206 Filed 5-10-72;8:51 am]

[Notice No. 63]

## SOYBEANS, ALABAMA

### Extension of Closing Date for Filing of Applications for 1972 Crop Year

Pursuant to the authority contained in § 401.103 of Title 7 of the Code of Federal Regulations, the time for filing applications for soybeans crop insurance for the 1972 crop year in the Alabama counties listed below is hereby extended until the close of business on May 12, 1972. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

ALABAMA

| | |
|---|---|
| Baldwin. | Escambia. |

RICHARD H. ASLAKSON,
*Manager.*

[FR. Doc. 72-7205 Filed 5-10-72;8:51 am]

[Notice No. 64]

## PEANUTS, NORTH CAROLINA AND VIRGINIA

### Extension of Closing Date for Filing of Applications for 1972 Crop Year

Pursuant to the authority contained in § 401.103 of Title 7 of the Code of Federal Regulations, the time for filing applications for peanut crop insurance for the 1972 crop year in all counties in Virginia where such insurance is otherwise authorized to be offered and in the North Carolina counties designated below is hereby extended until the close of business on May 12, 1972. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

NORTH CAROLINA

| | |
|---|---|
| Bertie. | Hertford. |
| Edgecombe. | Nash. |
| Halifax. | |

RICHARD H. ASLAKSON,
*Manager.*

[FR Doc.72-7207 Filed 5-10-72;8:51 am]

### Forest Service

## TUCSON GAS & ELECTRIC CO.

### Notice of Availability of Final 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 final environmental statement for a proposal to construct a 345 kv. powerline by the Tucson Gas & Electric Co., USDA–FS–FES(Adm) 72–13.

The environmental statement involves the grant of rights-of-way for the construction of an E.H.V. transmission line from the San Juan powerplant near Waterflow, N. Mex., to the Vail Substation near Tucson, Ariz.

This final environmental statement was filed with CEQ on April 28, 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, Southwestern Region, Federal Building, Room 5025, 517 Gold Avenue SW., Albuquerque, NM 87101.

Apache National Forest, Forest Supervisor's Office, Federal Building, Springerville, Ariz. 85938.

Coronado National Forest, Forest Supervisor's Office, 130 South Scott Street, Tucson, AZ 85702.

Gila National Forest, Forest Supervisor's Office, 301 W. College Avenue, Silver City, NM 88061.

A limited number of single copies are available upon request to Mr. William D. Hurst, Regional Forester, U.S. Forest Service, 517 Gold Avenue SW., Albuquerque, NM 87101.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151 for $3.50 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.

ADRIAN M. GILBERT,
*Acting Deputy Chief,*
*Forest Service.*

MAY 8, 1972.

[FR Doc.72-7172 Filed 5-10-72;8:45 am]

# DEPARTMENT OF COMMERCE

### Maritime Administration

## SEATTLE-FIRST NATIONAL BANK

### Notice of Approval of Applicant as Trustee

Notice is hereby given that Seattle-First National Bank, with offices at 1001 Fourth Avenue, Seattle, WA, has been approved as trustee pursuant to Public Law 89–346 and 46 CFR 221.21–221.30.

Dated: May 4, 1972.

R. T. TRAUT,
*Acting Chief,*
*Office of Domestic Shipping.*

[FR Doc.72-7271 Filed 5-10-72;8:52 am]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

## PCB's IN FOOD-PACKAGING MATERIALS AND CERTAIN FOODS

### Notice of Availability of Draft Environmental Impact Statement

The Commissioner of Food and Drugs published a notice of proposed rule making in the FEDERAL REGISTER of March 18, 1972 (37 F.R. 5705), limiting the sources by which polychlorinated biphenyls (PCB's) may contaminate animal feed, food, and food-packaging materials during manufacturing, handling, and storage. The notice also proposed limiting the level of PCB's in food-packaging materials and in certain foods containing unavoidable PCB residues as a result of environmental contamination. The proposed action is designed to minimize and eliminate human exposure to PCB's from dietary sources by dealing with identified sources or causes of PCB contamination of food.

Notice is hereby given that a document entitled "Draft Environmental Impact Statement—Notice of Proposed Rule Making; Polychlorinated Biphenyls" has been issued by the Food and Drug Administration. Copies of the statement are available from the Office of the Assistant Commissioner for Public Affairs, Room 15B–42, or the Office of the Hearing Clerk, Room 6–88, 5600 Fishers Lane, Rockville, Maryland 20852.

This notice is issued pursuant to provisions of the National Environmental Policy Act of 1969, Public Law 91–190 (sec. 102(2)(c), 853; 42 U.S.C. 4332) and the Council on Environmental Quality guidelines published in the FEDERAL REGISTER of April 23, 1971 (36 F.R. 7724–7729), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: May 8, 1972.

SAM D. FINE,
*Associate Commissioner*
*for Compliance.*

[FR Doc.72-7191 Filed 5-10-72;8:51 am]

# DEPARTMENT OF TRANSPORTATION

## Office of Pipeline Safety

[Waiver 1B; Docket No. OPS-6]

## GAS PIPELINE SAFETY STANDARDS

### Extension of Waiver

On June 18, 1970, the Department of Transportation issued a waiver to the Northern Natural Gas Co. permitting the operation of a 276-mile segment of its 24-inch "B" pipeline between Mullinville, Kans., and Palmyra, Nebr., at a maximum operating pressure of 797 p.s.i.g. (35 F.R. 10329, June 24, 1970.) The waiver had an expiration date of July 1, 1971.

This waiver was granted while Northern Natural Gas Co. was awaiting permission from the United States and Canadian governments to import natural gas from Canada. The imported gas will permit reduction in pressure to 700 p.s.i.g. without affecting service.

On February 5, 1971, the Office of Pipeline Safety extended the expiration date of the waiver to July 1, 1972 (36 F.R. 2938; February 12, 1971). Northern Natural Gas stated in its petition for an extension that the pipeline had continued to operate at the elevated pressure without problems. Northern Natural Gas further stated that they had kept the pipeline under close surveillance for possible encroachment and had found no evidence of construction near the pipeline. Northern Natural Gas has not yet received governmental authority to permit the receipt of Canadian gas by July 1, 1972. While Northern has applications for the importation of gas on file with the Canadian National Energy Board and the Federal Power Commission, it will be unable to obtain certificates in time to construct the necessary facilities by July 1, 1972. Changes in the proposed project have necessitated further hearings and the final decision on this matter has not been received.

Northern Natural Gas has therefore, petitioned to further extend the expiration date of the waiver to July 1, 1973. Northern states in this petition that the 276-mile segment of the "B" pipeline in question has continued to operate during the past year at 797 p.s.i.g. without leaks or breaks. This follows a similar performance without leaks or breaks in the pipeline from the mid-1960's. Other facts affecting the petition remain unchanged.

It does not appear that there has been a change in any of the circumstances justifying the original waiver, and in consideration of those facts, I find that the requested extension is not inconsistent with gas pipeline safety.

This extension of the waiver is granted under the authority of section 3(e) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1672(e)), and the delegation of authority to the Director, Office of Pipeline Safety, dated November 6, 1968 (33 F.R. 16468). Unless sooner suspended, amended or revoked, the waiver expires on July 1, 1973.

Issued in Washington, D.C., on May 8, 1972.

JOSEPH C. CALDWELL,
*Director,*
*Office of Pipeline Safety.*

[FR Doc.72-7175 Filed 5-10-72;8:49 am]

# CIVIL AERONAUTICS BOARD

[Docket 24437]

## ALIA—THE ROYAL JORDANIAN AIRLINES CORP.

### Foreign Air Carrier Permit; Notice of Prehearing Conference and Hearing Regarding Charter Flights

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on May 25, 1972, at 10 a.m., local time, in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Louis W. Sornson.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before May 18, 1972.

Dated at Washington, D.C., May 5, 1972.

[SEAL] RALPH L. WISER,
*Chief Examiner.*

[FR Doc.72-7194 Filed 5-10-72;8:51 am]

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[Docket No. 24419]

## SOCIETA' AEREA MEDITERRANEA SAM S.p.A.

### Notice of Prehearing Conference

Foreign Air Carrier Permit; Charter Flights - Italy - Intermediate Points - United States.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on June 7, 1972, at 10 a.m., local time, in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Associate Chief Examiner Robert L. Park.

In order to facilitate the conduct of the conference parties are instructed to submit to the Examiner and other parties (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before May 23, 1972, and the other parties on or before May 30, 1972. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights.

Dated at Washington, D.C., May 8, 1972.

[SEAL] RALPH L. WISER,
*Chief Examiner.*

[FR Doc.72-7195 Filed 5-10-72;8:51 am]

[Docket No. 23401]

## TRANS WORLD AIRLINES, INC., AND PAN AMERICAN WORLD AIRWAYS, INC.

### Enforcement Proceeding; Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on June 15, 1972, at 10 a.m., local time, in Room 1031, Universal Building North, 1875 Connecticut Avenue NW., Washington, DC, before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., May 5, 1972.

[SEAL] RALPH L. WISER,
*Chief Examiner.*

[FR Doc.72-7196 Filed 5-10-72;8:51 am]

# COMMISSION ON HIGHWAY BEAUTIFICATION

## HIGHWAY BEAUTIFICATION

### Notice of Final Public Hearings

MAY 8, 1972.

Notice is hereby given that the Commission on Highway Beautification will hold its final public hearings in Washington, D.C., on June 5 and 6.

The Commission was established by the Federal-Aid Highway Act of 1970 (Public Law 91-605). It has 11 members—four from the Senate, four from the House of Representatives, and three appointed by the President. Congressman Jim Wright (D), Texas, is the Chairman. The four Commissioners from the Senate are Birch Bayh (D), Indiana; Mike Gravel (D), Alaska; James Buckley (R), New York; and Robert Stafford (R), Vermont. The House members are Chairman Wright; Ed Edmondson (D), Oklahoma; Don Clausen (R), California; Fred Schwengel (R), Iowa. The public members are Alfred Bloomingdale, Chairman of the Board, A. B. Enterprises, Los Angeles, Calif.; Mrs. Marion Fuller Brown, member of the Maine Legislature, York, Maine; and Michael Rapuano, landscape architect, Newton, Pa., and New York City.

The Act directed the Commission to:

(1) Study existing statutes and regulations governing the control of outdoor advertising and junkyards in areas adjacent to the Federal-aid highway system;

(2) Review the policies and practices of the Federal and State agencies charged with administrative jurisdiction over such highways insofar as such policies and practices relate to governing the control of outdoor advertising and junkyards;

(3) Compile data necessary to understand and determine the requirements for such control which may now exist or

are likely to exist within the foreseeable future;

(4) Study problems relating to the control of on-premise outdoor advertising signs, promotional signs, directional signs, and signs providing information that is essential to the motoring public;

(5) Study methods of financing and possible sources of Federal funds, including use of the Highway Trust Fund, to carry out a highway beautification program; and

(6) Recommend such modifications or additions to existing laws, regulations, policies, practices, and demonstration programs as well, in the judgment of the Commission, achieve a workable and effective highway beautification program and best serve the public interest.

A report of the Commission's findings will be submitted to the President and the Congress no later than August of this year.

At these hearings the Commission expects to hear about issues of national concern and also about problems peculiar to the mid-Atlantic States.

In public hearings held in five cities earlier this year the Commission had heard testimony indicating that serious problems exist regarding several features of the Federal-State programs for control of outdoor advertising along highways. These issues include:

Compensation for removal of signs.
Needs of roadside business to provide directional information to motorists.
Economic effects of sign control programs on such businesses.
Growth of jumbo signs outside of roadside areas now subject to control.
Regulation of on-premise signs advertising activities conducted where they are located, which signs are now exempt from Federal standards.
Funding of programs to control outdoor advertising.
Relative impact of Highway Beautification Act of 1965 on different regions, such as rural compared to urban areas.
Effect of compensation features of Highway Beautification Act of 1965 on laws controlling signs on roads not covered by this Act.
Problems of sign companies which may be forced out of business by laws controlling signs.
Procedures used by the Department of Transportation to induce States to comply with the Highway Beautification Act of 1965.

With regard to junkyards, testimony in previous hearings was directed to such matters as:

Needs for Federal, State, or local programs for solid waste disposal.
The relationship of the auto salvage and scrap metal industries.
The economics of recycling.
Programs to collect abandoned autos, machinery, and equipment.

In connection with landscaping and scenic enhancement, the Commission expects to hear more about such matters as:

The role of landscape architects, designers, and environmental specialists in the planning and design of new highways.
Multiple use of highway corridors.
Funding of landscaping and scenic enhancement programs.
The acquisition of scenic easements.
Specifications regarding beautification in architectural and construction contracts.
Private initiative in roadside landscaping.
Placement of utility lines along highway corridors.

These are the last hearings now scheduled by the Commission. Hearings have already been held in Atlanta, Los Angeles, St. Louis, Meriden, Conn., and Syracuse, N.Y.

The hearings are scheduled for 9:30 a.m. on June 5 and 6 at the Cannon House Office Building in the Caucus Room.

These are open hearings and the public is invited to attend and to participate. Those interested in testifying are requested to contact the Commission at 1121 Vermont Avenue NW., Washington, DC 20005, by May 30, and if possible to submit a copy or a brief summary of their testimony by that date.

LEO A. BYRNES,
*Staff Director and Counsel.*

[FR Doc.72-7193 Filed 5-10-72;8:52 am]

# ENVIRONMENTAL PROTECTION AGENCY

## FMC CORP.

### Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 2F1255) has been filed by FMC Corp., Niagara Chemical Division, 100 Niagara Street, Middleport, NY 14105, proposing a reduction of established tolerances (40 CFR Part 180) for residues of the fungicide ammoniates of [ethylenebis(dithiocarbamato)] zinc and ethylenebis [dithiocarbamic acid] bimolecular and trimolecular cyclic anhydrosulfides and disulfides in or on the raw agricultural commodities apples from 7 to 2 parts per million and cantaloups, cucumbers, and tomatoes from 5 to 4 parts per million.

The analytical method proposed in the petition for determining residues of the fungicide is that of Thomas E. Cullen, "Analytical Chemistry," volume 36, pages 221-224 (1964).

Dated: May 4, 1972.

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

[FR Doc.72-7165 Filed 5-10-72;8:48 am]

## ROHM AND HAAS CO.

### Notice of Filing 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)), notice is given that a petition (PP 2F1257) has been filed by Rohm and Haas Co., Independence Mall West, Philadelphia, Pa. 19105, proposing to reduce the established tolerance (40 CFR Part 180) of 15 parts per million for residues of the fungicide maneb (mangenous ethylenebisdithiocarbamate) in or on the raw agricultural commodity bananas, of which not more than 2 parts per million shall be in the pulp after peel is removed and discarded, to 4 parts per million in or on bananas, of which not more than 0.5 part per million shall be in the pulp after peel is removed and discarded (preharvest application only).

The analytical method proposed in the petition for determining residues of the fungicide is that of C. F. Gordon, R. J. Schuckert, and W. E. Bornak, "Journal of the Association of Official Analytical Chemists," volume 50, pages 1102-1108 (1967).

Dated: May 4, 1972.

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

[FR Doc.72-7166 Filed 5-10-72;8:49 am]

## UPJOHN CO.

### Notice of Filing 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)), notice is given that a petition (PP 2F1252) has been filed by the Upjohn Co., Kalamazoo, Mich. 49001, proposing establishment of a tolerance (40 CFR Part 180) for residues of the plant abscission agent 3-[2-(3,5-dimethyl-2-oxocyclohexyl) - 2 - hydroxyethyl]glutarimide in or on the raw agricultural commodity oranges at 0.05 part per million.

The analytical method proposed in the petition for determining residues of the plant abscission agent is a cylinder plate bioassay using *Streptomyces cerevisiae* as the test organism on a yeast-dextrose agar medium.

Dated: May 4, 1972.

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

[FR Doc.72-7167 Filed 5-10-72;8:49 am]

## VELSICOL CHEMICAL CORP.

### Notice of Filing of Pesticide and Food Additive Petitions

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 408(d)(1), 409(b)(5), 68 Stat. 512, 72 Stat.

1786; 21 U.S.C. 346a(d)(1), 348(b)(5)), notice is given that a pesticide petition (PP 2F1259) has been filed by Velsicol Chemical Corp., 1725 K Street NW., Washington, DC 20006, proposing establishment of tolerances (40 CFR Part 180) for the combined residues of the plant regulator disugran (methyl 3,6-dichloro-o-anisate) and its metabolites 3,6-dichloro-o-anisic acid and 5-hydroxy-3,6-dichloro-o-anisic acid in or on the raw agricultural commodities sugarcane fodder and forage at 0.15 part per million and sugarcane at 0.1 part per million.

Notice is also given that same firm has filed a related food additive petition (FAP 2H5014) proposing establishment of food additive tolerances (21 CFR Part 121) for combined residues of disugran and its metabolites in sugarcane syrup at 0.3 part per million and sugarcane molasses at 0.15 part per million resulting from application of the plant regulator to growing sugarcane.

The analytical method proposed in the petition for determining residues of the plant regulator is a gas chromatographic procedure with electron-capture detection.

Dated: May 4, 1972.

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

[FR Doc.72-7168 Filed 5-10-72;8:49 am]

# FEDERAL MARITIME COMMISSION

## JAPAN LINE, LTD., ET AL.

### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Charles Warren, Esq., 1100 Connecticut Avenue NW., Washington, DC 20036.

Agreement No. 9718-2, among the carriers listed above, modifies the order of approval of Agreement No. 9718-1 of February 29, 1972, to provide for an increase of two (2) vessels in the number of containerships (six vessels to eight vessels) currently operated by the parties in the Japan/California trade.

Dated: May 9, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.72-7253 Filed 5-10-72;8:52 am]

## NIPPON YUSEN KAISHA AND SHOWA SHIPPING CO., LTD.

### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Charles Warren, Esq., 1100 Connecticut Avenue NW., Washington, DC 20036.

Agreement No. 9731-4 between the two carriers listed above modifies the order of approval of Agreement No. 9731-3 of February 29, 1972, to provide for an increase of one (1) vessel in the number of containerships (three vessels to four vessels) currently operated by the parties in the Japan/California trade.

Dated: May 9, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.72-7254 Filed 5-10-72;8:52 am]

# FEDERAL POWER COMMISSION

[Docket No. CI72-707]

## ACCO OIL & GAS CO.

### Notice of Application

MAY 9, 1972.

Take notice that on May 3, 1972, Acco Oil & Gas Co. (applicant), 1 Briar Dale Court, Houston, TX 77027, filed in Docket No. CI72-707 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 Texas Eastern Transmission Corp. (Texas Eastern) from the Sandies Field Area, Wharton 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 Texas Eastern on April 18, 1972, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for 1 year from the termination of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70) at 35 cents per Mcf at 14.65 p.s.i.a. Texas Eastern's purchase obligation is limited to 2,000 Mcf of gas per day; however, applicant has agreed to deliver additional gas, if available.

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 19, 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.72-7248 Filed 5-10-72;8:52 am]

[Docket No. CI72-708]

## CRYSTAL OIL CO. ET AL.

### Notice of Application

MAY 9, 1972.

Take notice that on May 3, 1972, Crystal Oil Co. (Operator) et al. (applicant), Post Office Box 1101, Shreveport, LA 71163, filed in Docket No. CI72-708 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 Shongaloo Field, Webster Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant commenced the sale of natural gas to United on April 15, 1972, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for 1 year from the termination of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell an average daily quantity of up to 3,000 Mcf of gas.

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 19, 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.72-7249 Filed 5-10-72;8:52 am]

[Docket No. CP72-133]

## ARKANSAS-MISSOURI POWER CO.

### Order Granting Interventions and Setting Date for the Filing of Applicant's Case-in-Chief and Date for Prehearing Conference

MAY 5, 1972.

Arkansas-Missouri Power Co. (Ark-Mo) filed an application in Docket No. CP72-133 on November 16, 1971, pursuant to section 7(c) of the Natural Gas Act, for authorization to construct and operate an above-ground liquefied natural gas (LNG) storage plant and liquefaction facilities adjacent to its principal natural gas transmission line in Mississippi County, Ark., all as more fully set forth in the application and the notice of application issued November 30, 1971, and published in the FEDERAL REGISTER, December 9, 1971 (36 F.R. 23406). That notice set December 30, 1971, as the final date for filing protests or petitions to intervene.

On December 8, 1971, Ark-Mo filed an amendment to its pending application seeking authorization to purchase and transport by truck 800,000 gallons of LNG from Memphis, Tenn., to Ark-Mo's proposed facilities near Blytheville, Ark., and to store said gas for the 1971-72 heating season, as more fully set forth in the amended application. Notice of the amended application, issued December 14, 1971, and published in the FEDERAL REGISTER on December 23, 1971 (36 F.R. 23844), set December 27, 1971, as the final date for filing protests or petitions to intervene. Also on December 8, 1972, Ark-Mo filed a request for temporary authorization to undertake the activities cited in the amendment to its application filed the same day. Movement of the LNG and its storage and vaporization using a portion of the proposed facilities was, however, effected for the 1971-72 heating season pursuant to § 157.22 of the Commission's regulations under the Natural Gas Act.

In addition, Ark-Mo filed a letter on January 3, 1972, addressed to the Secretary of the Commission, as a supplemental request for temporary authorization to construct and operate all of the LNG facilities proposed in its application in order to permit gas to be liquefied and stored during off-peak periods for use during peak periods next winter. This request is still pending.

Petitions to intervene were timely filed by the city of East Prairie, Mo. (East Prairie), and the cities of Kennett, Sikeston, Malden, and Oran, Mo. (Cities), on December 20, 1971. These petitioners' residents are customers of Ark-Mo. Untimely notices of intervention were filed by Missouri Public Service Commission on January 21, 1972, and by Arkansas Public Service Commission on January 31, 1972. An untimely petition to intervene was filed April 20, 1972, by the Department of Defense.

Only Cities specifically requests that hearings be held on the application. They and East Prairie raised basic questions concerning the overall public convenience and necessity of Ark-Mo's proposal. Both petitioners assert that Ark-Mo is attempting to augment its gas properties required to be divested by a Securities and Exchange Commission order of May 5, 1971, arising out of its planned merger with Middle South Utilities, Inc. Cities and East Prairie seek to acquire the gas distribution systems from Ark-Mo. which have been ordered divested by the SEC. They state that Ark-Mo's proposed facilities would bar municipal ownership of its gas distribution system and would vitally affect gas service in their communities.

Ark-Mo, by answer filed January 4, 1972, comments upon the petition of Cities saying the operation of its gas properties is essential to meet the requirements of its customers until divestiture has been completed and that the proposed facilities are the most economically feasible means by which Ark-Mo can meet its continuing public utility responsibility. Also, Ark-Mo submits that no formal hearing is required as the requested authorization is required by the public convenience and necessity. These arguments should be presented to the Commission following hearings in this matter.

The interest of the Department of Defense in this proceeding is based upon purchases of natural gas service from Ark-Mo by the U.S. Air Force in performing a national defense mission of the Strategic Air Command at Blytheville Air Force Base, Ark. Petitioner seeks intervention only because this proceeding may have a direct affect upon the ability of Ark-Mo to provide adequate service to the Air Force facilities. Petitioner states the taking of necessary steps to obtain the requisite delegation of authority from the General Services Administration, received on April 10, 1972, delayed the filing of its petition.

Missouri Public Service Commission and Arkansas Public Service Commission

support the application for the reason that they believe Ark-Mo might not be able to maintain adequate service to customers in peak-use periods without the addition of the proposed facilities.

The Commission finds:

(1) Although the petition of the Department of Defense was not timely filed, good cause exists for permitting such intervention.

(2) It is desirable and in the public interest to allow the above-named petitioners to intervene in this proceeding in order that they may establish the facts and the law from which the nature and validity of their alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

(3) The expeditious disposition of these proceedings will be effected by convening a prehearing conference on May 23, 1972.

(4) The expeditious disposition of these proceedings will be furthered by the submission of Ark-Mo's case-in-chief on or before May 23, 1972.

The Commission orders:

(A) The above-named petitioners are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene: *And provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they might be aggrieved, because of any order or orders of the Commission entered in this proceeding.

(B) Pursuant to § 2.62(c) of the Commission's rules of practice and procedure, the applicant shall serve copies of its filings upon all interveners promptly, unless such service has already been effected pursuant to Part 157 of the Commission's regulations under the Natural Gas Act.

(C) The case-in-chief of Ark-Mo and that of any supporting intervener, including prepared testimony and exhibits, shall be filed upon all parties on or before May 23, 1972.

(D) Pursuant to the provisions of § 1.18 of the Commission's rules of practice and procedure, a prehearing conference will be held on May 23, 1972, at 10 a.m., (e.d.t.), in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, for the purpose of effectuating the expeditious disposition of this proceeding. The purpose of such conference shall be to consider any and all matters which might contribute to an expeditious disposition of this proceeding. The applicant, the Commission staff, and all persons who have been permitted to intervene by the Commission shall be entitled to participate in that conference.

(E) 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 on a date to be fixed by the Presiding Examiner in accordance with paragraph (D) above, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, concerning the matters involved in and the issues presented by such application.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[Docket No. RP71-22, etc.]

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[Docket No. RP71-22, etc.]

## COLUMBIA GAS TRANSMISSION CORP.

### Order Accepting Revised Tariff Sheet for Filing Subject to Refund and Further Orders, Consolidating Proceedings and Permitting Intervention

MAY 5, 1972.

Columbia Gas Transmission Corp. (Columbia) on February 18, 1972, tendered for filing in Docket No. RP72-109 Third Revised Sheet No. 16 to its FPC Gas Tariff, Original Volume No. 1, to become effective April 1, 1972. The revised tariff sheet would increase the rates and charges in Zone 4 (area formerly served by Columbia's predecessor, the Ohio Fuel Gas Co., by $5.7 million, 1.10 cents per Mcf, or 2 percent), annually, to reflect the increase in cost of gas purchased from Texas Gas Transmission Corp. (Texas Gas) in Docket No. RP72-45. On March 27, 1972, Columbia tendered for filing in Docket No. RP72-109 Substitute Third Revised Sheet No. 16 to its tariff to reduce the rates filed on February 18 to reflect the settlement rates of Texas Gas in Docket No. RP72-45 which were approved by order of the Commission issued March 17, 1972. This filing would reduce the annual increase in revenues to $3.4 million, or 0.66 cent per Mcf.

Columbia states that, as in the case of previous tracking rate filings in Docket No. RP71-132 and RP71-133, the February 18 and March 27 rate filings will be subject to reduction and refund in accordance with the Commission's order issued April 23, 1971, in Docket No. RP71-18 et al. and that it considers its agreement and undertaking in Docket No. RP71-18 et al. also applicable to Docket No. RP72-109.

In support of the proposed increase Columbia submitted schedules showing its sales for the 12-month period ended December 31, 1971, and its calculations of the increase in cost of gas supply and required increase in jurisdictional revenues for that period. In view of the nature of the filing, Columbia requests waiver of the notice and data requirements of §§ 154.22 and 154.63 of the regulations under the Natural Gas Act.

A review of the filings indicates that although Columbia does not currently have authorization to track its suppliers' rate changes, the requirements of § 154.63 are met insofar as they propose incrementally to increase rates solely to reflect increases in gas supplier rates over and above those reflected in the pending rate proceeding in Docket No. RP71-18 et al. Any issues arising therefrom may be dealt with in such proceedings.

The fact that the cost and related data relied upon by Columbia in support of its filing in Docket No. RP72-109 and in Dockets Nos. RP71-22, RP71-132, and RP71-133 are substantially the same may raise issues of law and fact common to each proceeding. Under these circumstances it is appropriate that Docket No. RP72-109 be consolidated with the latter proceeding.

The Cincinnati Gas & Electric Co., on March 16, 1972, filed a timely petition for leave to intervene in Docket No. RP72-109.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that Columbia's increased rate filing tendered on March 27, 1972, be accepted for filing subject to refund and all further orders of the Commission as may be issued in Docket No. RP71-18 et al. and should be consolidated with Docket No. RP71-22 et al. for purposes of hearing and decision, as hereinafter provided.

(2) Good cause has been shown for granting waiver of the notice and data requirements of §§ 154.22 and 154.63, respectively, of the Commission's regulations.

(3) The participation of the Cincinnati Gas & Electric Co. in these proceedings may be in the public interest.

The Commission orders:

(A) The Substitute Revised Tariff Sheet No. 16, tendered by Columbia on March 27, 1972, is hereby accepted for filing, subject to refund and further orders of the Commission as may be issued in Docket No. RP71-18, et al.

(B) Columbia's request for waiver of the notice and data requirements of §§ 154.22 and 154.63, respectively, of the Commission's regulations under the Natural Gas Act is granted.

(C) Docket No. RP72-109 is consolidated with Dockets Nos. RP71-22, RP71-132, and RP71-133 for purposes of hearing and decision.

(D) The Cincinnati Gas & Electric Co. is hereby permitted to intervene in these proceedings, subject to the rules and regulations of the Commission: *Provided however,* That the participation of such intervener shall be limited to matters affecting the rights and interests specifically set forth in the petition to intervene; *And provided, further,* That the admission of such intervener shall not be construed as recognition that the petitioner might be aggrieved because of any order or orders issued by the Commission in these proceedings.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-7183 Filed 5-10-72;8:50 am]

[Docket No. E-7716]

## IOWA-ILLINOIS GAS AND ELECTRIC CO.

### Order Accepting for Filing and Suspending Revised Tariff and Providing for Hearing

MAY 5, 1972.

On March 1, 1972,[1] Iowa-Illinois Gas and Electric Co. (Iowa-Illinois) tendered for filing proposed changes in its FPC Rate Schedule.[2] The proposed rates constitute an increase of approximately $184,437 in presently effective rates charged the Sherrard Power System (Sherrard). Iowa-Illinois avers that the reasons for the proposed increase is that since the present rate to Sherrard was established in 1966 and subsequently reduced in 1967, Iowa-Illinois' operating income related to property has declined to a level which provides an inadequate return.

Review of Iowa-Illinois' rate filing indicates that it raises certain issues which may require development in an evidentiary hearing. The proposed increases in rates and charges have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Iowa-Illinois' FPC Rate Schedule No. 20, as proposed to be amended in this docket, and that the tendered rate schedule be suspended as hereinafter provided.

(2) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

(3) In the event this proceeding is not concluded prior to the termination of the suspension period herein ordered, the placing of the rate changes applied for in this proceeding into effect, subject to refund with interest while pending Commission determination as to their justness and reasonableness is consistent with the purposes of the Economic Stabilization Act of 1970, as amended.

The Commission orders:

(A) The Supplement No. 3 to Iowa-Illinois' rate schedule, as tendered March 1, 1972, and officially filed on April 7, 1972, is accepted for filing.

(B) Pursuant to the authority of the Federal Power Act, particularly section 205(e) thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held, commencing with a prehearing conference on September 14, 1972, at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, concerning the lawfulness of the rates, charges, classifications and services contained in Iowa-Illinois' rate schedule, as proposed to be revised herein.

(C) At the prehearing conference on September 14, 1972, Iowa-Illinois' prepared testimony (Statement P) together with its entire rate filing shall be admitted to the record as its complete case-in-chief subject to appropriate motions, if any, by parties to the proceeding. All parties will be expected to come to this conference prepared to effectuate the provisions of §§ 1.18 and 2.59 of the Commission's rules of practice.

(D) On or before October 5, 1972, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any or all intervenors shall be served on or before October 19, 1972. Any rebuttal evidence by Iowa-Illinois shall be served on or before November 2, 1972. Cross-examination of the evidence filed will commence November 28, 1972.

(E) A presiding examiner to be designated by the chief examiner for that purpose (see Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control the proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(F) Pending hearing and a final decision in this proceeding, Iowa-Illinois' rate schedules tendered on March 1, 1972, and officially filed on April 7, 1972, are suspended and the use thereof deferred until October 8, 1972.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-7184 Filed 5-10-72;8:50 am]

[1] Apr. 7, 1972, was officially designated as the filing date since information completing the filing was not received until Apr. 7, 1972. Accordingly, the effective date would not be earlier than May 8, 1972.

[2] Supplement No. 3, superseding Supplement No. 1, Rate Schedule FPC No. 20.

# FEDERAL RESERVE SYSTEM

## AMERICAN BANCSHARES, INC.

### Acquisition of Banks

American Bancshares, Inc., St. Joseph, Mo. 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)):

(1) To acquire 454 of the voting shares of the First National Bank of Plattsburg, Plattsburg, Mo.;

(2) To acquire 238 of the voting shares of the First National Bank of Stewartsville, Stewartsville, Mo.;

(3) To acquire 836 of the voting shares of Bank of Edgerton, Edgerton, Mo.; and

(4) To acquire 352 of the voting shares of Bank of Skidmore, Skidmore, Mo.

The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the applications 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 26, 1972.

Board of Governors of the Federal Reserve System, May 4, 1972.

[SEAL] MICHAEL A. GREENSPAN, *Assistant Secretary.*

[FR Doc.72-7122 Filed 5-10-72;8:45 am]

## CENTRAL AND STATE NATIONAL CORPORATION OF ALABAMA

### Acquisition of Bank

Central and State National Corporation of Alabama, Birmingham, Ala., 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 at least 80 percent of the voting shares of Peoples Bank & Trust Co., Montgomery, Ala. 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 26, 1972.

Board of Governors of the Federal Reserve System, May 5, 1972.

[SEAL] MICHAEL A. GREENSPAN, *Assistant Secretary.*

[FR Doc.72-7123 Filed 5-10-72;8:45 am]

## FIRST NATIONAL BANK IN DALLAS AND FIRST NATIONAL SECURITIES CO.

### Acquisition of Bank

First National Bank in Dallas, Dallas, Tex., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire indirectly 1,036 shares of North Dallas Bank & Trust Co., Dallas, Tex., through a rights offering. Applicant, which now indirectly controls 24 percent of the outstanding shares of said bank, states that the proposed acquisition will be made directly by First National Securities Co. in Dallas, Dallas, Tex., applicant's trusteed affiliate. By virtue of section 2(g)(2) of the Act (12 U.S.C. 1841(g)(2)), shares held or controlled by applicant's affiliate are deemed to be controlled by applicant. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System,

Washington, D.C. 20551, to be received not later than May 26, 1972.

Board of Governors of the Federal Reserve System, May 5, 1972.

[SEAL] MICHAEL A. GREENSPAN,
*Assistant Secretary.*

[FR Doc.72-7125 Filed 5-10-72;8:45 am]

## FIRST UNION, INC.

### Acquisition of Banks

First Union, Inc., St. Louis, Mo., has applied, in three separate applications as set forth below, 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 90 percent or more of the voting shares of:

(1) The Bank of Crane, Crane, Mo.;

(2) The Peoples Bank and Trust Company of Branson, Mo., Branson, Mo.; and

(3) The Bank of Taney County, Forsyth, Mo.

The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the applications 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 26, 1972.

Board of Governors of the Federal Reserve System, May 5, 1972.

[SEAL] MICHAEL A. GREENSPAN,
*Assistant Secretary.*

[FR Doc.72-7124 Filed 5-10-72;8:45 am]

## F.S. BANCORPORATION

### Formation of Bank Holding Company

F.S. Bancorporation, San Leandro, Calif., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares of First State Bank of Northern California, San Leandro, Calif. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

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

Board of Governors of the Federal Reserve System, May 4, 1972.

[SEAL] MICHAEL A. GREENSPAN,
*Assistant Secretary.*

[FR Doc.72-7126 Filed 5-10-72;8:45 am]

## MANCHESTER FINANCIAL CORP.

### Acquisition of Bank

Manchester Financial Corp., St. Louis, Mo., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the National Bank of Affton, Affton, Mo. 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 St. Louis. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than May 29, 1972.

Board of Governors of the Federal Reserve System, May 4, 1972.

[SEAL] MICHAEL A. GREENSPAN,
*Assistant Secretary.*

[FR Doc.72-7127 Filed 5-10-72;8:46 am]

## VIRGINIA NATIONAL BANKSHARES, INC.

### Formation of One-Bank Holding Company

Virginia National Bankshares, Inc., Norfolk, Va., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares of the successor by merger to Virginia National Bank, Norfolk, Va. 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 Richmond. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than May 29, 1972.

Board of Governors of the Federal Reserve System, May 4, 1972.

[SEAL] MICHAEL A. GREENSPAN,
*Assistant Secretary.*

[FR Doc.72-7128 Filed 5-10-72;8:46 am]

## Y.B. CORP.

### Formation of Bank Holding Company

Y.B. Corp., South Sioux City, Nebr., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 81 percent of the voting shares of Nebraska State Bank, South Sioux City, Nebr. 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 Kansas City. 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 26, 1972.

Board of Governors of the Federal Reserve System, May 5, 1972.

[SEAL] MICHAEL A. GREENSPAN,
*Assistant Secretary.*

[FR Doc.72-7129 Filed 5-10-72;8:46 am]

## FIRST NATIONAL BANCORPORATION, INC.

### Order Approving Transfer of Assets of Mortgage Banking Division

The First National Bancorporation, Inc., Denver, Colo., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to transfer all of the assets (including servicing rights) of the mortgage banking division of the First National Bank of Denver, Denver, Colo. (First National), a banking subsidiary, to a proposed new wholly owned subsidiary, First Denver Mortgage Company (Mortgage Company), and thereby to continue to engage in the activity of mortgage banking. Such activity has been determined by the Board to be closely related to the business of banking (12 CFR 225.4(a)(1)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (37 F.R. 5775). The time for filing comments and views has expired, and none has been timely received.

Applicant is the largest banking organization in Colorado with aggregate deposits of $706.1 million representing 15.3 percent of total commercial deposits in the State.[1] First National, applicant's lead bank, has been active in the origination of mortgage loans (primarily commercial mortgages and construction loans) and in 1967 originated $27.9 million, or 4 percent, of all mortgages recorded in the Denver market.[2] At this time, First National serviced all mortgage loans for its own account, with the exception of $17.7 million in loans serviced for one institutional investor, and ranked 121st in mortgage servicing among commercial banks in the United States.

[1] Banking data are as of June 30, 1971, and reflect bank holding company formations and acquisitions approved through Mar. 31, 1972. As of June 30, 1968, or immediately prior to First National's acquisition of Mortgage Investments Co., applicant controlled deposits of $489.9 million, representing 14.2 percent of total commercial deposits in the State.

[2] The Denver market consists of the Denver SMSA.

During 1967, the year before it was acquired by First National, Mortgage Investments Co., Denver, Colo. (Company), originated $21.7 million, or 3.1 percent, of all mortgages recorded in the Denver market. On the basis of a mortgage servicing portfolio of $256 million,[3] Company ranked 56th among all mortgage banking firms in the United States. Company's lending consisted primarily of residential mortgage loans while First National's activity was mostly in commercial mortgages and construction loans. As the lending activity of the two institutions was substantially in different product markets, the Board concludes that the acquisition had only slight adverse effects on competition. Although First National became the largest mortgage lender in the Denver market after the acquisition with a market share of 7.3 percent, the market is relatively unconcentrated. Nor is there anything in the record to indicate that the acquisition led to an undue concentration of resources, conflicts of interests or unsound banking practices. On balance, the Board concludes that the slight anticompetitive effects of the acquisition were outweighed by the public benefits that potentially could be derived from operation of Company by a holding company with the size and resources of this applicant.

Following the acquisition of Company by First National in 1968, Company's branches in the Denver area were closed and due to Colorado commercial bank regulations, Company's full service branches in Colorado Springs and Greeley were restricted in their operations to the activity of mortgage originations. These measures helped slow Company's growth rate.

The proposed transfer of the mortgage division into an operating subsidiary of the holding company would leave unchanged the present competitive situation in the Denver mortgage market. The transfer would allow the new subsidiary to convert the loan production offices in Greeley and Colorado Springs to full service branches and would allow the mortgage banking function to be conducted on a more competitive basis with other mortgage companies. In addition, the new subsidiary would be able to open additional full service offices both within and outside the State. The Board concludes that these measures would be procompetitive, and that transfer of the functions of the mortgage banking division of First National to applicant's proposed new subsidiary would be in the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[4] effective May 4, 1972.

[SEAL] TYNAN SMITH,
*Secretary of the Board.*

[FR Doc.72-7192 Filed 5-10-72;8:50 am]

[3] Servicing portfolio as of June 30, 1968.

[4] Voting for this action: Chairman Burns and Governors Robertson, Daane, Brimmer and Sheehan. Absent and not voting: Governors Mitchell and Maisel.

# GENERAL SERVICES ADMINISTRATION

[GSA Bulletin FPMR A-32; General Supp. 1]

## HOUSEHOLD GOODS CARRIERS

### Use of Commuted Rate Schedule or Actual Expense Method

MAY 9, 1972.

1. *Purpose.* This supplement informs agencies concerning household goods carriers who have filed rate quotations with all-inclusive or maximum packing and accessorial charges per 100 pounds, which enable agencies to obtain valid cost comparisons on a "total basis." It also provides examples of cost comparisons between the commuted rate schedule and the actual expense method (Government bill of lading).

2. *Expiration date.* This supplement contains material of a continuing nature and will remain in effect until canceled.

3. *Background.* GSA Bulletin FPMR A-32, dated January 31, 1972, stated that agencies would be advised when information had been developed concerning carrier rate quotations which provide for predeterminable packing charges per 100 pounds. Such predeterminable packing charges, which include packing-related accessorial charges, are either combined with the line-haul charge and quoted as an all-inclusive single rate per 100 pounds, or quoted separately as a maximum packing charge per 100 pounds.

4. *Carriers quoting predeterminable packing charges.* Attachment A, hereto, lists household goods carriers who have filed rate quotations containing predeterminable packing charges. Additions or deletions to this list will be published by supplements, annually or as appropriate.

5. *Procedures for making cost comparisons.* a. Cost comparisons are made on the basis of the stated origin, destination, and estimated weight of the shipment. When an all-inclusive single-rate factor is used, a firm cost per 100 pounds is obtained. When using a carrier's rate quotation which contains a separately stated maximum packing charge, the carrier's charge per 100 pounds for this service cannot exceed the stated maximum, and in many instances may be less than the maximum used in the cost comparison.

b. Through the use of rate quotations filed by carriers listed in Attachment A, hereto, agencies can predetermine the packing charges. When a saving of $100 or more is indicated, agencies may use the actual expense method (GBL) for individual movements of employees' household goods.

c. The following are examples of cost comparisons on a hypothetical shipment of household goods weighing 11,000 pounds moving from Denver, Colo., to Washington, D.C., a distance of 1,630 miles.

| *Service basis* | *Rate/charge per 100 lb.* | *Amount* |
|---|---|---|
| Commuted rate basis: | | |
| Transportation, including $4 per 100 lb. for packing and related charges | [1] $19.25 | $2,117.50 |
| Metropolitan area charge (destination) | .50 | 55.00 |
| Total allowance under the commuted rate basis | | 2,172.50 |
| Comparison A—Actual expense, all-inclusive single rate factor: | | |
| Transportation, including packing and related charges and appliance servicing | [2] 17.75 | 1,952.50 |
| Per shipment charge | ----- | 24.85 |
| Metropolitan area charge (destination) | .50 | 55.00 |
| Total charge under Comparison A | | 2,032.35 |
| Commuted rate basis, comparative allowance | | 2,172.50 |
| Savings, GBL over commuted rate basis | | 140.15 |
| Comparison B—Actual expense, separately stated maximum packing charge: | | |
| Transportation | [3] 9.49 | 1,043.90 |
| Packing and related charges, including appliance servicing | [3] 5.85 | 643.50 |
| Metropolitan area charge (destination) | .50 | 55.00 |
| Total charge under Comparison B | | 1,742.40 |
| Commuted rate basis, comparative allowance | | 2,172.50 |
| Savings, GBL over commuted rate basis | | 430.10 |

[1] Rate Table 3, GSA Bulletin FPMR A-2.
[2] Carrier all-inclusive single-rate factor.
[3] Carrier separately stated transportation and maximum packing charge.

6. *Assistance.* Assistance and information on the level of rates and charges

contained in individual carrier quotations that are on file and quotations filed after the effective date of this supplement may be obtained from the Transportation Management Division in the appropriate General Services Administration regional office. (See Attachment B.)

ROBERT M. O'MAHONEY,
*Commissioner, Transportation and Communications Service.*

ATTACHMENT A

CARRIERS HAVING RATE QUOTATIONS ON FILE PROVIDING PREDETERMINABLE PACKING CHARGES

Dean Van Lines, Inc., Torrance, Calif.
Gray Van Lines, Inc., Oklahoma City, Okla.
Interstate Van Lines, Inc., W. Springfield, Va.
Kennedy Van and Storage Co., Inc., Fairfax, Va.
Pat's Van Lines, Inc., Kansas City, Mo.
Republic Van and Storage Co., Inc., Baltimore, Md.
Security Van Lines, Inc., Kenner, La.
Trans-World Movers, Inc., Denver, Colo.
U.S. Van Lines, Inc., Atlanta, Ga.
Wheaton Van Lines, Inc., Indianapolis, Ind.

ATTACHMENT B

GENERAL SERVICES ADMINISTRATION, TRANSPORTATION AND COMMUNICATIONS SERVICE, REGIONAL OFFICES

Region 1:
General Services Administration, Post Office and Courthouse, Boston, Mass. 02109, Phone: 617—223–2735.
Region 2:
General Services Administration, 26 Federal Plaza, New York, NY 10007, Phone: 212—264–1286.
Region 3:
General Services Administration, Seventh and D Streets SW., Washington, D.C. 20407, Phone: 202—963–6296.
Region 4:
General Services Administration, 1776 Peachtree Street NW., Atlanta, GA 30309, Phone: 404—526–5260.
Region 5:
General Services Administration, 219 South Dearborn Street, Chicago, IL 60604, Phone: 312—353–5375.
Region 6:
General Services Administration, 1500 East Bannister Road, Kansas City, MO 64131, Phone: 816—361–7555.
Region 7:
General Services Administration, 819 Taylor Street, Fort Worth, TX 76102, Phone: 817—334–2375.
Region 8:
General Services Administration, Building 41, Denver Federal Center, Denver, CO 80225, Phone: 303—234–2626.
Region 9:
General Services Administration, 49 Fourth Street, San Francisco, CA 94103, Phone: 415—556–3271.
Region 10:
General Services Administration, GSA Center, Auburn, Wash. 98002, Phone: 206—833–5411.

[FR Doc.72–7306 Filed 5–10–72;10:01 am]

# INTERSTATE COMMERCE COMMISSION

## ASSIGNMENT OF HEARINGS

MAY 8, 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 113855 Sub 248, International Transport, Inc., now assigned May 16, 1972, at Bismarck, N. Dak., hearing postponed to May 31, 1972, at the Blue Room, State Capitol Building, Bismarck, N. Dak.
MC 116133 Sub 8, Pollard Delivery Service, Inc., now being assigned hearing, July 17, 1972, at Washington, D.C., at the Interstate Commerce Commission.
W–12 Sub 6, Moran Towing & Transportation Co., Inc., W–16 Sub 9, S. C. Loveland Co., Inc., W–104 Sub 25, Union Barge Line Corp., and W–630 Sub 38, A. L. Mechling Barge Lines, Inc., now being assigned hearing June 2, 1972, at the offices of the Interstate Commerce Commission, Washington, D.C.
MC 95876 Sub 121, Anderson Trucking Service, Inc., now being assigned July 12, 1972, at Chicago, Ill., in a hearing room later to be designated.
MC 114211 Sub 163, Warren Transport, Inc., now being assigned July 12, 1972, at Chicago, Ill., in a hearing room later to be designated.
MC 112697 Sub 18, Samuel A. Brasfield, doing business as B & S Enterprises, now assigned May 22, 1972, at Washington, D.C., hearing canceled and application dismissed.

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

[FR Doc.72–7213 Filed 5–10–72;8:51 am]

[Notice 58]

## 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–73512. By order of May 4, 1972, the Motor Carrier Board, on reconsideration, approved the transfer to John Alan Morris, Box 170, Whiteford, MD 21160, of the operating rights in certificate No. MC–114843 issued August 2, 1955, to Samuel Kenneth Streett, Pylesville, Md. 21130, authorizing the transportation of soap stone, in bulk, from Dublin, Md., to Bloomsbury and Asbury, N.J.

No. MC–FC–73650. By order of May 4, 1972, the Motor Carrier Board approved the transfer to Claremore Freight Lines, Inc., 47 North Rockford, Tulsa, OK, of the certificate of registration in No. MC–121636 (Sub-No. 1) issued May 5, 1971, to Pawhuska Motor Freight, Inc., 47 North Rockford, Tulsa, OK, evidencing a right to engage in transportation as a motor carrier in interstate or foreign commerce corresponding in scope to the grant of authority in motor carrier certificate No. MC–23323 Sub-1 dated January 28, 1971, issued by the Corporation Commission of Oklahoma.

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

[FR Doc.72–7211 Filed 5–10–72;8:51 am]

[Notice 66]

## MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 5, 1972.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six 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 102616 (Sub-No. 870 TA), filed April 24, 1972. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Post Office Box 7211, 44306, Akron, OH 44319. Applicant's representative: James Annand (same address as above).

[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.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lubricating oil and grease*, in bulk, in tank vehicles, from Coraopolis, Pa., to Clifftop, W. Va., for 180 days. Supporting shipper: Texaco, Inc., Post Office Box 52332, Houston, TX 77052. Send protests to: R. P. Amerine, Acting District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 109481 (Sub-No. 3 TA), filed April 24, 1972. Applicant: GEO. F. GRAVES TRUCK SERVICE, INC., 509 Harrison Avenue, Harrison, NJ 07029. 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: *Commodities*, manufactured, sold, or utilized, by the RCA Corp. (except commodities in bulk), between the facilities of RCA Corp. located at Harrison and Edison, N.J., and points in New York, N.Y., commercial zone, as defined by the Commission, South Kearny and Newark Airport, N.J., for 180 days. Supporting shipper: RCA Corp., Electronic Components, Harrison, N.J. 07029. Send protests to: District Supervisor Ronbert E. Johnston, Interstate Commerce Commission, Bureau of Operations, 970 Broad Street, Newark, NJ 07102.

No. MC 111401 (Sub-No. 364 TA), filed April 25, 1972. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, OK 73701. Applicant's representative: Alvin Hamilton (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Geismar, La., to points in Texas on the boundary line between the United States and Mexico, for 180 days. Supporting shipper: Shell Oil Co., F. C. Rickert, supervisor, Chemical Analysis and Services, T&S Traffic Operations, EOR, Post Office Box 2099, Houston, TX. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 111401 (Sub-No. 365 TA), filed April 25, 1972. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, OK 73701. Applicants' representative: Alvin L. Hamilton (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Kings Mill, Tex., to Port Huron, Mich., for final delivery in Canada, return movements in foreign commerce only, from points in Canada to points in Mexico, traversing the United States, for 180 days. Supporting shipper: Chinook Chemicals Corp. Ltd., E. B. Cross, vice president, 11 King Street West, Toronto 1, ON, Canada. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 119539 (Sub-No. 21 TA), filed April 26, 1972. Applicant: BEVERAGE TRANSPORT, INC., Post Office Box 88, Routes 5 and 20, East Bloomfield, 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: *Malt beverages*, from Fort Wayne, Ind., to points in New York and Pennsylvania, for 180 days. Supporting shipper: Frank P. Becht, G.P.M., Falstaff Brewing Corp., 5050 Oakland, St. Louis, MO 63110. Send protests to: Morris H. Gross, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 104, O'Donnell Building, 301 Erie Boulevard West, Syracuse, NY 13202.

No. MC 123392 (Sub-No. 36 TA), filed April 25, 1972. Applicant: JACK B. KELLEY, INC., U.S. 66 West at Kelley Drive, Amarillo, Tex. 79106. Applicant's representative: Weldon M. Teague (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid oxygen and liquid nitrogen* in bulk in cryogenic trailers, from Lone Star, Tex., to Oklahoma City, Okla., for 180 days. Supporting shipper: S. F. Burke, Manager, Traffic Services, Air Products and Chemicals, Inc., Post Office Box 538, Allentown, PA 18105. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H, 4395 Herring Plaza, Amarillo, TX 79101.

No. MC 125358 (Sub-No. 5 TA), filed April 24, 1972. Applicant: MID-WEST TRUCK LINES, LTD., 1216 Fife Street, Winnipeg, MB, Canada. Applicant's representative: Joseph P. Summers, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, in bags, from Richmond, Ind., to port of entry on the United States-Canada boundary at or near Pembina, N. Dak., for 180 days. Supporting shipper: Victor Fox Foods, Ltd., 130 James Avenue, Winnipeg 2, MB, Canada. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, ND 58102.

No. MC 135936 (Sub-No. 4 TA), filed April 24, 1972. Applicant: LIEBMANN TRANSPORTATION CO., INC., U.S. Highway 65 North, Post Office Box 1022, Iowa Falls, IA 50126. Applicant's representative: Clifton H. Rogers (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Styropar*, in drums, from Jamesburg, N.J., and points in Kobuta, Beaver County, Pa., to Nixa, Mo., for 180 days. Supporting shipper: Diversified Plastics Corp., Nixa, Mo. 65714. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa.

No. MC 136107 (Sub-No. 1 TA), filed April 19, 1972. Applicant: JEAN NOEL GRONDIN, doing business as J. N. GRONDIN TRANSPORT ENRG., Post Office Box 215, Senneterre, PQ, Canada. Applicant's representative: J. P. Vermette, 250 Napoleon-Provost Street, Repentigny, PQ, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dressed lumber, kiln dried*, from ports of entry on the international boundary line between the United States and Canada located in New York and Vermont to points in New York, Vermont, New Hampshire, Pennsylvania, New Jersey, and Connecticut, for 180 days. Supporting shipper: John Rolland, sales representative, Paradis & Sons, Ltd., 795 Carson Avenue, Dorval 780, PQ, Canada. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 104, O'Donnell Building, 301 Erie Boulevard West, Syracuse, NY 13202.

No. MC 136169 (Sub-No. 2 TA), filed April 25, 1972. Applicant: CHARLIE PHILLIPS, doing business as CHARLIE PHILLIPS TRUCKING, Post Office Box 222, Alvarado, TX 76009. Applicant's representative: Mike Cotten, Post Office Box 1148, Austin, TX 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum rock*, from points in Caddo County, Okla., to points in Ellis County, Tex., for 180 days. Supporting shipper: Harrison Gypsum Co., Box 3363, Lindsay, OK 73052. Send protests to: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 9A27, Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

No. MC 136460 (Sub-No. 1 TA), filed April 20, 1972. Applicant: MURPHY RIGGING & ERECTING, INC., 2225 West County Road D, St. Paul, MN 55113. Applicant's representative: Andrew R. Clark, 1000 1st National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Material and equipment* used in construction and operation of radar sites, from Marinette, Wis., and Minneapolis-St. Paul, Minn., to Nekoma, N. Dak., for 180 days. Supporting shipper: Western-Electric, Winston-Salem, N.C. Send protests to: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 136603 (Sub-No. 1 TA), filed April 24, 1972. Applicant: G. COMEAU TRANSPORTATION CORP., Post Office Box 152, Meteghan (Digby County), NS, Canada. Applicant's representative: Kenneth B. Williams, 111 State Street,

Boston, MA 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste rags*, from Boston, Mass., and New York, N.Y., to Calais, Houlton, Bar Harbor, and Portland, Maine, restricted to shipments moving to points in Canada, for 180 days. Supporting shipper: Scotia Wipers, Ltd., Meteghan Centre, Digby County, Nova Scotia, Canada. 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 136604 (Sub-No. 1 TA), filed April 21, 1972. Applicant: DON HART, 47 River Street, East Haven, CT 06512. Applicant's representative: William J. Meuser, 117 River Street, Milford, CT 06460. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Live pigeons*, in crates or boxes, from points in Connecticut, to New York, N.Y., commercial zone, New Jersey, Delaware, Maryland, Virginia, and North Carolina, for 180 days. Supported by: Southern Connecticut Combine (address not shown). Send protests to: District Supervisor David J. Kiernan, Interstate Commerce Commission, Bureau of Operations, 324 U.S. Post Office Building, 135 High Street, Hartford, CT 06101.

No. MC 136633 (Sub-No. 1 TA), filed April 10, 1972. Applicant: MIDWEST DUMPERS, INC., Valley, Calif. 68064. Applicant's representative: Donald L. Stern, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed limestone, sand, gravel, dirt, and rock*, from Weeping Water, Nebr., to points in Fremont County, Iowa, and Atchison County, Mo., for 150 days. Supporting shipper: Kerford Limestone Co., Post Office Box 434, Weeping Water, NE. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 136635 (Sub-No. 1 TA), filed April 13, 1972. Applicant: UNIVERSAL CARTAGE, INC., 4902 West 15th Street, Speedway, IN 46224. Applicant's representative: Warren Moberly, 777 Chamber of Commerce Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles* distributed or dealt in by food distributors or wholesale and retail grocers, except frozen foods and commodities in bulk, from plantsite and storage facilities of Hunt-Wesson Foods, Inc., at Indianapolis, Ind., to points in Indiana, for 180 days. Supporting shipper: Hunt-Wesson Foods, Inc., 1645 West Valencia Drive, Fullerton, CA 92634. Send protests to: District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, IN 46204.

No. MC 136647 TA, filed April 24, 1972. Applicant: GREEN MOUNTAIN CARRIERS, INC., Post Office Box 1319, Albany, NY 12201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pharmaceutical products, raw materials, packaging materials, literature and equipment* peculiar to the manufacture of pharmaceutical products, between Baltimore, Md., Little Falls, N.J., Clifton, N.J., Rouses Point, N.Y., Albany, N.Y., Cleveland, Ohio, Detroit, Mich., Chicago, Ill., and Chamblee, Ga., for 180 days. Supporting shipper: Ayerst Laboratories, Rouses Point, N.Y. 12979. Send protests to: Joseph M. Barnini, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Albany, N.Y. 12207.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Sub-No. 177 TA), filed April 28, 1972. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077. Applicant's representative: Barrett Elkins, Greyhound Lines-East, 1400 West Third St., Cleveland, OH 44113. 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, (1) between Cincinnati, Ohio, and Columbus, Ohio, serving no intermediate points except the intermediate point of Kings Island Amusement Park, Ohio, from Cincinnati, Ohio, via Interstate Highway 75 to its junction with Interstate Highway 275, thence via Interstate Highway 275 to its junction with Interstate Highway 71, thence via Interstate Highway 71 to its junction with Kings Mills Road at Interchange No. 27 of Interstate Highway 71, thence via Kings Mills Road to its junction with Columbia Road, thence via Columbia Road to Kings Island Amusement Park, thence return over Columbia Road to its junction with Kings Mills Road, thence over Kings Mills Road to its junction with Interstate Highway 71, thence over Interstate Highway 71 to Columbus, Ohio, and return over the same route; (2) between the junction of U.S. Highway 22 and Ohio Highway 48 and the junction of unnumbered highway (Columbia Road) and U.S. Highway 22, serving all intermediate points; from the junction of U.S. Highway 22 and Ohio Highway 48 over Ohio Highway 48 to its junction with unnumbered highway (Mason-Morrow Road), thence over unnumbered highway (Mason-Morrow Road) to its junction with unnumbered highway (Columbia Road), thence over unnumbered highway (Columbia Road) to its junction with U.S. Highway 22 and return over the same route; and (3) between Lebanon, Ohio, and the junction of Ohio Highway 48 and Interstate Highway 71 serving no intermediate points but serving the junction of Ohio Highway 48 and Interstate Highway 71 for the purpose of joinder only, from Lebanon over Ohio Highway 48 to the junction of Interstate Highway 71 and return over the same route, for 180 days. NOTE: Applicant states that it intends to tack with this authority, and also to interline with other carriers. Supported by: The passenger public. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3427 Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

By the Commission.

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

[FR Doc.72-7212 Filed 5-10-72; 8:51 am]

[Notice 36]

## MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

MAY 5, 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 enivironment 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 of 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 request shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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 2900 (Sub-No. 227), filed April 11, 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 of United Gas Pipe Line Co. at or near Erath, La., as an off-route point in connection with applicant's otherwise authorized regular routes; (2) serving the plantsite and warehouse facilities of the Marathon Manufacturing Co. near Vicksburg, Miss., as an off-route point in connection with applicant's otherwise authorized regular routes; and (3) serving the plantsite and warehouse facilities of Consolidated Aluminum Corp. near Lake Charles, La., as an off-route point in connection with applicant's otherwise authorized regular routes. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., Atlanta, Ga., or Washington, D.C.

No. MC 2978 (Sub-No. 17), filed March 31, 1972. Applicant: CLE-MAR CARTAGE, INC., Box 428, Cromwell, IN. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper products*, from the plantsite of Lancaster, Research & Development Corp. in Michigan City, Ind., to points in Michigan, Ohio, Illinois, Wisconsin, and St. Louis, Mo. Restriction: Restricted to service to be performed under a continuing contract with Lancaster Research & Development Corp. (subsidiary of Bell Fibre Products Corp.). NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 23618 (Sub-No. 17), filed April 14, 1972. Applicant: MCALISTER TRUCKING COMPANY, a corporation, 1618 South Treadaway Boulevard, Post Office Box 2377, Abilene, TX 79604. Applicant's representative: J. G. Dail, 1111 E Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and plastic tubing*, from Houston, Tex., to points in the United States (except Alaska and Hawaii). NOTE: Applicant holds "Mercer," sulphur, water well, pipeline, and earth drilling authority in several States. The requested commodities could be tacked at Houston to serve points in the United States; however applicant states he has no present intention 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 requests it be held at Houston, Tex.

No. MC 28060 (Sub-No. 23), filed April 20, 1972. Applicant: WILLERS INC., doing business as WILLERS TRUCK SERVICE, 1400 North Cliff Avenue, Sioux Falls, SD 57101. 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: *Frozen potatoes*, from the plantsite and storage facilities of Fairfield Products, Inc., at or near Clark, S. Dak., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicate authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Minneapolis-St. Paul, Minn.

No. MC 30139 (Sub-No. 11), filed April 11, 1972. Applicant: HOLMES TRANSPORTATION, INC., 550 Cochituate Road, Framingham, MA 01706. Applicant's representative: Kenneth B. Williams, 111 State Street, Boston, MA 02109. 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) between Littleton, N.H., and St. Johnsbury, Vt.: From Littleton over New Hampshire Highway 18 to the New Hampshire-Vermont State line, thence over Vermont Highway 18 to St. Johnsbury, Vt., and return over the same route, serving no intermediate points; (2) between St. Johnsbury, Vt., and Lancaster, N.H.: From St. Johnsbury over U.S. Highway 2 to Lancaster and return over the same route; and (3) between Lancaster, N.H., and Gorham, N.H.: From Lancaster over U.S. Highway 2 to Gorham, N.H., and return over the same route, serving no intermediate points. The above routes are requested for operating convenience only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 30844 (Sub-No. 401), filed April 10, 1972. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, 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: *Foodstuffs*, from Grundy Center, Iowa, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virgina, 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 Washington, D.C., or Chicago, Ill.

No. MC 32632 (Sub-No. 19), filed March 20, 1972. Applicant: JACKSON TRUCK LINES, INCORPORATED, Jefferson Street, Jackson, N.C. 27845. Applicant's representative: E. C. Bryant (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and shale products*, from points in Nash and Halifax Counties, N.C., to points in 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 Raleigh, N.C., or Richmond, Va.

No. MC 35358 (Sub-No. 29), filed March 30, 1972. Applicant: BERGER TRANSFER & STORAGE, INC., 3720 Macalaster Drive NE., Minneapolis, MN 55421. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture, fixtures, furnishings, appliances, kitchen, school and hospital equipment*, between points in Illinois on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states it will tack at points in Illinois with existing authority. Applicant further states that no duplicating authority is sought. If a hearing is deemed necesary, applicant requests it be held at Chicago, Ill.

No. MC 35572 (Sub-No. 4), filed April 13, 1972. Applicant: PEZZA TRANSPORTATION, INC., 60 Armento Street, Johnston, RI 02919. 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: *General*

*commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between points in Rhode Island. NOTE: Applicant proposes to tack the authority sought herein with the authority in certificate MC 75609 that it proposes to acquire from Voutours Express, Inc., in its companion application generally at points in the Providence, R.I., commercial zone. Such joinder would authorize applicant to serve points in Rhode Island and points in central and eastern Massachusetts located on the defined routes of Voutours. If a hearing is deemed necessary, applicant requests it be held at Providence, R.I., or Boston, Mass.

No. MC 41432 (Sub-No. 123), filed April 18, 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, explosives (other than ammunition and manufactured ingredients and component parts of ammunition as specified), livestock, rock, gravel, sand, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); and *ammunition* (explosive, incendiary, or gas or tear producing), *manufactured ingredients and component parts of ammunition*, between the junction of U.S. Highways 66 and 36 and Sacramento, Calif., from the junction of U.S. Highways 66 and 36 over U.S. Highway 36 to junction U.S. Highway 81, thence over U.S. Highway 81 to junction Interstate Highway 80, thence over Interstate Highway 80 and U.S. Highway 30 to junction U.S. Highway 40, thence over U.S. Highway 40 to Sacramento, Calif., and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, with service at the junction of U.S. Highways 40 and 89 for the purpose of joinder only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 42487 (Sub-No. 787), filed April 3, 1972. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Applicant's representative: V. R. Oldenburg, Post Office Box 5138, Chicago, IL 60680. 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, green hides, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Atlanta, Ga., and Kansas City, Mo., as an alternate route in connection with carrier's presently authorized regular-route operations, serving no intermediate points: From Atlanta, over U.S. Highway 278 to junction U.S. Highway 231 (near Brooksville, Ala.), thence over U.S. Highway 231 to junction Alabama Highway 67 (near Summit, Ala.), thence over Alabama Highway 67 to junction U.S. Highway 31 (near Decatur, Ala.), thence over U.S. Highway 31 to junction Alternate U.S. Highway 72 (at Decatur, Ala.), thence over Alternate U.S. Highway 72 to junction U.S. Highway 72 (near Tuscumbia, Ala.), thence over U.S. Highway 72 to junction Interstate Highway 240 (near Memphis, Tenn.), thence over Interstate Highway 240 to junction Interstate Highway 55 (at Memphis, Tenn.), thence over Interstate Highway 55 to junction U.S. Highway 63 (near Gilmore, Ark.), thence over U.S. Highway 63 to junction U.S. Highway 60 (near Willow Springs, Mo.), thence over U.S. Highway 60 to junction U.S. Highway 160 (at Springfield, Mo.), thence over U.S. Highway 160 to junction Missouri Highway 13 (at Springfield, Mo.), thence over Missouri Highway 13 to junction Missouri Highway 7 (near Clinton, Mo.), thence over Missouri Highway 7 to junction U.S. Highway 71 (near Harrisonville, Mo.), thence over U.S. Highway 71 to Kansas City, and return over the same route. Restriction: The operations authorized herein are restricted against the transportation of traffic originating at, destined to, or received from or delivered to connecting carriers at Kansas City, Mo.-Kans., and Wichita, Kans., or points in the commercial zone thereof as defined by the Commission. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 42487 (Sub-No. 789), filed April 10, 1972. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Applicant's representative: V. R. Oldenburg, Post Office Box 5138, Chicago, IL 60680. 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 commodities requiring special equipment), between Memphis, Tenn., and Kansas City, Mo., as an alternate route in connection with carrier's presently authorized regular-route operations, serving no intermediate points: From Memphis over Interstate Highway 55 to junction U.S. Highway 73 (near Gilmore, Ark.), thence over U.S. Highway 63 to junction U.S. Highway 60 (near Willow Springs, Mo.), thence over U.S. Highway 60 to junction U.S. Highway 160 (at Springfield, Mo.), thence over U.S. Highway 160 to junction Missouri Highway 13 (at Springfield, Mo.), thence over Missouri Highway 13 to junction Missouri Highway 7 (near Clinton, Mo.), thence over Missouri Highway 7 to junction U.S. Highway 71 (near Harrisonville, Mo.), thence over U.S. Highway 71 to Kansas City, and return over the same route. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 53965 (Sub-No. 82), filed April 3, 1972. Applicant: GRAVES TRUCK LINE, INC., 739 North 10th, Salina, KS. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *contract 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 Iowa Falls and Carroll, Iowa, to points in Colorado, Kansas, Louisiana, Missouri, Oklahoma, and Texas, restricted to the transportation of traffic originating at the plantsite or storage facilities of Farmland Foods, Inc., at or near Iowa Falls and Carroll, Iowa, and destined to the above-named destination states. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 59120 (Sub-No. 36), filed April 11, 1972. Applicant: EAZOR EXPRESS, INC., Eazor Square, Pittsburgh, Pa. 15201. 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 regular and irregular routes, transporting: Regular routes: (1) *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), between Parkersburg, W. Va., and Pittsburgh, Pa., serving all intermediate points, and the off-route points of Williamstown, Pursley, Kidwell, and Middlebourne, W. Va., off-route points in Allegheny County, Pa., and off-route points in Ohio, and Wood Counties, W. Va., unrestricted; and off-route points in Beaver and Westmoreland Counties, Pa., restricted to the pickup of electrical and conduit pipe and to the delivery of glass containers and rough rolled glass building slabs, as follows: (a) From Parkersburg over West Virginia Highway 2 via Hollidays Cove, and Weirton, W. Va., to junction U.S. Highway 30 near Chester, W. Va., thence over U.S. Highway 30 to junction Pennsylvania Highway 60 (formerly U.S. Highway 30), thence over Pennsylvania Highway 60 to Pittsburgh (also from Weirton over U.S. Highway 22 to junction Pennsylvania Highway 60 (formerly U.S. Highway 22) thence over Pennsylvania Highway 60 to Pitsburgh), and return over the same route; (b) from Parkersburg over U.S. Highway 50 to Belpre, Ohio, thence over Ohio Highway 7 to Steubenville, Ohio, thence over U.S. Highway 22 to Hollidays Cove, W. Va., thence as specified above to Pittsburgh, and return over the same route; (2) *household goods*, as defined by

the Commission, and *general commodities* (except commodities requiring special equipment (other than household goods), classes A and B explosives, and livestock), between Parkersburg, W. Va., and Charleston, W. Va., serving all intermediate points, and the off-route point of Ravenswood, W. Va., as follows: (a) From Parkersburg over U.S. Highway 21 to Charleston, and return over the same route; (b) from Parkersburg over U.S. Highway 21 to Mineral Wells, W. Va., thence over West Virginia Highway 14 to Spencer, W. Va., thence over U.S. Highway 119 to Charleston, and return over the same route.

Irregular routes: (1) *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), from points in Allegheny County, Pa., and Ohio, Wood, and Kanawha Counties, W. Va., to Portsmouth and Pomeroy, Ohio, and points in that part of West Virginia bounded by a line beginning at Huntington, W. Va., and extending along the east bank of the Ohio River to Chester, W. Va., thence along U.S. Highway 30 to the West Virginia-Pennsylvania State line, thence along the West Virginia-Pennsylvania State line to junction U.S. Highway 19, thence along U.S. Highway 19 to Summersville, W. Va., thence along West Virginia Highway 39 (formerly U.S. Highway 19) to Gauley Bridge, W. Va., and thence along a line beginning at Gauley Bridge and extending through Marmet, W. Va., to Huntington, including points on the indicated portions of the highways specified, with no transportation for compensation on return except as otherwise authorized. NOTE: Common control may be involved. Applicant states that the requested authority will be tacked with its existing authority at all common points, but does not identify the points or territories which can be served through tacking. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 59150 (Sub-No. 66), filed April 20, 1972. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, FL 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products, asbestos products, and building materials* (except commodities in bulk), from the plantsite and warehouse facilities of National Gypsum Co., at Westwego and New Orleans, La., to Mobile, Ala., and points within the commercial zone thereof as defined by the Commission, and points in Mississippi on and south of U.S. Highway 80. 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 Orleans, La.

No. MC 59194 (Sub-No. 18), filed February 22, 1972. Applicant: EASTERN FREIGHT WAYS, INC., Eastern and Moonachie Avenues, Carlstadt, NJ 07072. Applicant's representative: J. Thomas Schneider, Federal Bar Building West, 1819 H Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations, and foodstuffs*, except in bulk, in tank vehicles, from the plantsite and warehouse facilities of Kraftco Corp. at or near Fogelsville and Allentown, Pa., to points in Connecticut, Massachusetts, New York, and Rhode Island, restricted to traffic originating at the named origins and destined to points in the named destination States. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., New York, N.Y., or Philadelphia, Pa.

No. MC 59223 (Sub-No. 3), filed April 10, 1972. Applicant: NEW DEAL DELIVERY SERVICE, INC., 206 West 37th Street, New York, NY 10015. Applicant's representative: Arthur J. Piken, 1 Lefrak City Plaza, Flushing, NY 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel, accessories, boots, and shoes*, upon hangers and in cartons in mixed shipments of garments on hangers and in cartons, between (a) New York, N.Y., on the one hand, and, on the other, Cherry Hill, N.J., and Langhorne, Pa., and (b) between Keasbey, N.J., on the one hand, and, on the other, Cherry Hill, N.J., Toms River, N.J., and Langhorne, Pa. NOTE: Applicant states it now holds authority authorizing transportation between points in New York, N.Y., on the one hand, and, on the other, points in Ocean County, which includes Toms River, and can now presently provide service from Keasbey, N.J., via New York through tacking of the within authority to Ocean County, and that the instant application is intended to eliminate the circuitous movement for the handling of a portion of the authority here sought. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 59680 (Sub-No. 200), filed April 9, 1972. Applicant: STRICKLAND TRANSPORTATION CO., INC., 3011 Gulden Avenue, Post Office Box 5689, Dallas, TX 75222. Applicant's representative: Oscar P. Peck (same address as applicant). 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 South Bend, Ind., and site of the terminal of Strickland Transportation Co., Inc., at or near Richfield, Ohio. (1) From South Bend over U.S. Highway 33 to junction of U.S. Highway 33 and U.S. Highway 6 near Ligonier, Ind., thence over U.S. Highway 6 to junction U.S. Highway 20 and U.S. Highway 6 near Fremont, Ohio, thence over U.S. Highway 20 to junction U.S. Highway 6 and U.S. Highway 20 at Wakeman, Ohio, thence over Ohio Highway 303 to junction Ohio Highway 176 at Richfield, Ohio, thence over Ohio Highway 176 to site of Strickland terminal; (2) from South Bend over U.S. Highway 20 to junction U.S. Highway 20 and U.S. Highway Alternate 20, thence over U.S. Highway Alternate 20 to junction U.S. Highway 20 and U.S. Highway Alternate 20 near Perrysburg, Ohio, thence over U.S. Highway 20 to Wakeman, Ohio, thence Ohio Highway 303 to Richfield, Ohio, thence over Ohio Highway 176 to site of Strickland terminal; (3) between junction of Interstate Highway 76 and Interstate Highway 81 near New Kingstown, Pa., and Philadelphia, Pa., in connection with carrier's authorized regular route operations, serving no intermediate points and serving the junction of Interstate Highways 76 and 81 as point of joinder only: From junction of Interstate Highways 76 and 81 over Interstate Highway 76 to junction U.S. Highway 11 at or near New Kingstown, Pa., thence over U.S. Highway 11 to Harrisburg, Pa., thence over Pennsylvania Highway 230 to junction U.S. Highway 30 near Lancaster, Pa., thence over U.S. Highway 30 to junction U.S. Highway 202 near Paoli, Pa., thence over U.S. Highway 202 to junction Interstate Highway 76 near King of Prussia, Pa., thence over Interstate Highway 76 to Philadelphia, Pa.; and (4) between Ann Arbor, Mich., and site of Strickland Transportation Co., Inc. terminal at or near Richfield, Ohio. From Strickland terminal site over Ohio Highway 176 to junction Ohio Highway 303, thence over Ohio Highway 303 to junction U.S. Highway 20 at Wakeman, Ohio, thence over U.S. Highway 20 to junction Interstate Highway 475, thence over Interstate Highway 475 to junction U.S. Highway 23, thence over U.S. Highway 23 to Ann Arbor, Mich. Restriction: The service sought herein is restricted to the transportation of traffic moving to or from points east of the Ohio-Pennsylvania State line. The above routes are alternate routes for operating convenience only, in connection with applicant's regular route authority. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 64932 (Sub-No. 505), filed April 6, 1972. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, IL 60643. 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: *Chemicals*, in bulk, in tank vehicles, from Meredosia, Ill., to points in Alabama, Arizona, Arkansas, Colorado, Connecticut, Florida, Georgia, Kansas, Louisiana, Maine, Maryland, Mississippi, New Hampshire, New Mexico, North Carolina, Rhode Island, South Carolina, Tennessee, Texas, and Virginia. NOTE: Applicant states that the requested authority cannot be tacked

with its existing authority. Applicant further states that it presently provides service to all states (except Arizona) via Terre Haute, Ind., and Marshall, Ill. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 66121 (Sub-No. 25), filed April 16, 1972. Applicant: INDIAN BOW TRUCK LINES, LTD., 225 Marcus Boulevard, Deer Park, NY 11729. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete products and commodities* used in the installation thereof (except in bulk), (1) from Kings Park, N.Y., to points in the District of Columbia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Vermont, and New Hampshire; and (2) from New Brunswick, N.J., to points in Nassau and Suffolk Counties, 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 New York, N.Y.

No. MC 66121 (Sub-No. 26), filed April 16, 1972. Applicant: INDIAN BOW TRUCK LINES, LTD., 225 Marcus Boulevard, Deer Park, NY 11729. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete pipe and accessories* used in connection therewith, (1) from Deer Park, N.Y., to points in Nassau and Suffolk Counties, N.Y.; and (2) from Perryman, Md., to points in Nassau and Suffolk Counties, 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 New York, N.Y.

No. MC 73688 (Sub-No. 53), filed April 11, 1972. Applicant: SOUTHERN TRUCKING CORPORATION, 1500 Orenda Avenue, Post Office Box 7182, Memphis, TN 38107. Applicant's representative: Robert E. Tate, Post Office Box 517, Evergreen, AL 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, (1) from points in Arkansas to points in Alabama, Mississippi, Tennessee, Georgia, Kentucky, North Carolina, and South Carolina; and (2) from Wright City, Okla., to points in Alabama. 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 Memphis, Tenn.; Little Rock, Ark., or Birmingham, Ala.

No. MC 73688 (Sub-No. 54), April 11, 1972. Applicant: SOUTHERN TRUCKING CORPORATION, 1500 Orenda Avenue, Post Office Box 7182, Memphis, TN 38107. Applicant's representative: Robert E. Tate, Post Office Box 517, Evergreen, AL 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dust collector systems, blow pipe, ducts, supports, and accessories therefor*, from New Orleans, La., 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 New Orleans, La., or Memphis, Tenn.

No. MC 76032 (Sub-No. 295), filed April 3, 1972. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, CO 80223. Applicant's representative: Ira E. Neal (same address as applicant). 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, classes A and B explosives, commodities in bulk, and those requiring special equipment), serving the plantsite and warehouse facilities of The General Tire & Rubber Co., at or near Mount Vernon, Ill., as an off-route point in connection with applicant's existing authority. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held in Washington, D.C.

No. MC 76177 (Sub-No. 325), filed April 20, 1972. Applicant: BAGGETT TRANSPORTATION COMPANY, a corporation, 2 South 32d Street, Birmingham, AL 35233. Applicant's representative: Harold G. Hernly, Jr., 2030 North Adams Street, Suite 510, Arlington, VA 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives and blasting supplies, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between the junction of U.S. Highway 31 and Alabama Highway 157 at their junction north of Cullman, Ala., thence over Alabama Highway 157 to the junction of Alabama Highway 20, south of Tucumbia, Ala., as an alternate route for operating convenience only. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 82079 (Sub-No. 27), filed March 30, 1972. Applicant: KELLER TRANSFER LINE, INC., 1239 Randolph Avenue SW., Grand Rapids, MI 49507. Applicant's representative: J. M. Neath, Jr., 900 1 Vandenberg Center, Grand Rapids, MI 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen food products*, from Archbold, Ohio, to points in Michigan, restricted to transportation originating at the plant and warehouse sites of Beatrice Frozen Specialties, Division of Beatrice Foods Co. 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 Lansing or Detroit, Mich.

No. MC 83835 (Sub-No. 90), filed April 10, 1972. Applicant: WALES TRANSPORTATION, INC., Post Office Box 6168, also 905 Meyers Road, Dallas, TX 75222, Grand Prairie, TX 75050. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and tubing*, from the plantsite and facilities of United Tube Corp. at New Orleans, La., to points in the United States (except Hawaii). NOTE: Applicant states tacking is possible at Houston, Tex., or Pueblo, Colo., but believed not feasible. No duplicate authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Dallas, Tex.

No. MC 89523 (Sub-No. 22), filed April 11, 1972. Applicant: MID-STATES TRUCKING CO., a corporation, 2517 North Grand, Enid, OK 73701. Applicant's representative: Glenn H. Newell (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bleaching, cleaning, washing, scouring compounds; food stuffs; sodium hypochlorite solution; animal litter, chopped alfalfa pellets*, from the plantsite and storage facilities of The Clorox Co. at or near Kansas City, Mo., to points in Colorado, under contract with The Clorox Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Houston, Tex.

No. MC 99388 (Sub-No. 10), filed April 13, 1972. Applicant: ALLTRANS EXPRESS CALIFORNIA, INC., doing business as WALKUP'S MERCHANTS EXPRESS, 435 23d Street, San Francisco, CA 94107. Applicant's representative: Daniel W. Baker, 405 Montgomery Street, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: Regular routes: *General commodities* (except used household goods as described in 17 M.C.C. 467, commodities in bulk other than liquid, livestock, motor vehicles, class A explosives), (1) from San Ysidro, Calif., to Los Angeles, Calif., over Interstate Highway 5, and return over the same route; (2) from Los Angeles, Calif., to Crescent City, Calif., over U.S. Highway 101, and return over the same route; (3) from Los Angeles, Calif., to Red Bluff, Calif., over U.S. Highway 99, and return over the same route; (4) from Red Bluff, Calif., to Sacramento, Calif., over Interstate Highway 5, and return over the same route; (5) from Red Bluff, Calif., over County Road A7 to its junction with California Highway 20 at a point approximately 8 miles west of Williams, Calif., and return over the same route; (6) from Carlsbad, Calif., over California Highway 78 to Ramona, Calif., and return over the same route; (7) from Los Angeles, Calif., over Interstate

Highway 5 to its junction with Interstate Highway 580 near Tracy, Calif., and return over the same route; (8) from Maricopa, Calif., over California Highway 166 to its junction with U.S. Highway 99 at a point approximately 25 miles east of Maricopa, Calif., and return over the same route; (9) from Lost Hills, Calif., over California Highway 46 to its junction with U.S. Highway 99 at a point approximately 7 miles east of Wasco, Calif., and return over the same route; (10) from Pomona, Calif., over California Highway 71 to its junction with California Highway 91 at a point approximately 5 miles west of Corona, Calif., and return over the same route;

(11) From Watsonville, Calif., over California Highway 152 to its junction with U.S. Highway 99 at a point approximately 8 miles north of Hollister, Calif., and return over the same route; (12) from Castroville, Calif., over California Highway 156 to its junction with California Highway 152 at a point approximately 8 miles north of Hollister, Calif., and return over the same route; (13) from Capistrano Beach, Calif., over California Highway 1 to the junction of California Highway 1 and U.S. Highway 101 at a point approximately 3 miles north of Oxnard, Calif., and return over the same route; (14) from Las Cruces, Calif., over California Highway 1 and 135 to Santa Maria, Calif., and return over the same route; (15) from Orcutt, Calif., over California Highway 1 to Pismo Beach, Calif., and return over the same route; (16) from Corona, Calif., over California Highway 71 to its junction with California Highway 395 at a point approximately 5 miles north of Temecula, Calif., and return over the same route; (17) from San Juan Capistrano, Calif., over California Highway 74 to Mountain Center, Calif., and return over the same route; (18) from Ventura, Calif., over California Highways 126 and 118 to San Fernando, Calif., and return over the same route; (19) from Ventura, Calif., over California Highway 126 to its junction with Interstate Highway 5 near Saugus, Calif., and return over the same route; (20) from Santa Paula, Calif., over California Highway 150 to its junction with U.S. Highway 101 near Carpinteria, Calif., and return over the same route; (21) from San Bernardino, Calif., over California Highway 91 to Hermosa Beach, Calif., and return over the same route; (22) from California Highway 79 at its junction with California Highway 60 near Beaumont, Calif., over California Highway 60 to Los Angeles, Calif., and return over the same route; (23) from San Bernardino, Calif., over U.S. Highway 66 to Glendale, Calif., and return over the same route; (24) from Pasadena, Calif., over California Highway 11 to San Pedro, Calif., and return over the same route:

(25) From Long Beach, Calif., over California Highway 7 to its junction with California Highway 10 at a point approximately 5 miles north of Monterey Park, Calif., and return over the same route; (26) from Long Beach, Calif., over California Highway 19 to its junction with U.S. Highway 66 near Pasadena, Calif., and return over the same route; (27) from San Fernando, Calif., over Interstate Highway 405 to its junction with Interstate Highway 5 near El Toro, Calif., and return over the same route; (28) from Newport Beach, Calif., over California Highway 55 to its junction with California Highway 91 near Fullerton, Calif., and return over the same route; (29) from Oceanside, Calif., over California Highway 76 to a point 5 miles west of Lake Henshaw, Calif., and return over the same route; (30) from California Highway 1 at its junction with California Highway 39 near Huntington Beach, Calif., over California Highway 39 to Whittier, Calif., and return over the same route; (31) from Inglewood, Calif., over California Highway 42 to Norwalk, Calif., and return over the same route; (32) from Maricopa, Calif., over California Highway 33 to its junction with California Highway 152 at a point approximately 5 miles north of Dos Palos, Calif., and return over the same route; (33) from Los Banos, Calif., over California Highway 33 to its junction with U.S. Highway 50 near Tracy, Calif., and return over the same route; (34) from Taft, Calif., over California Highway 119 to its junction with U.S. Highway 99 at a point approximately 10 miles south of Bakersfield, Calif., and return over the same route; (35) from McKittrich, Calif., over California Highway 178 to Bakersfield, Calif., and return over the same route;

(36) From Selma, Calif., over California Highway 43 to its junction with California Highway 119 at a point approximately 17 miles east of Taft, Calif., and return over the same route; (37) from Ducor, Calif., over California Highway 65 to its junction with U.S. Highway 99 near Bakersfield, Calif., and return over the same route; (38) from Earlimart, Calif., over County Road J–15 to Ducor, Calif., and return over the same route; (39) from Coalinga, Calif., over California Highway 198 to Visalia, Calif., and return over the same route; (40) from Fresno, Calif., over California Highway 180 to Mendota, Calif., and return over the same route; (41) from Kerman, Calif., over California Highway 145 to Madera, Calif., and return over the same route; (42) from Ventura, Calif., over California Highway 33 to its junction with California Highway 166 at a point approximately 6 miles east of Cuyama, Calif., and return over the same route; (43) from Madera, Calif., to Friant, Calif., over California Highway 145, and return over the same route; (44) from Fresno, Calif., over State Highway 41 to its intersection with California Highway 145 at a point approximately 8 miles west of Friant, Calif., and return over the same route; (45) from Firebaugh, Calif., to Madera, Calif., over unnumbered county road, and return over the same route; (46) from Kerman, Calif., to Avenal, Calif., over unnumbered county road, and return over the same route; (47) from Merced, Calif., over California Highway 59 to Red Top, Calif., and return over the same route; (48) from Merced, Calif., over California Highway 140 to Gustine, Calif., and return over the same route; (49) from Sebastopol, Calif., over California Highway 12 to San Andreas, Calif., and return over the same route; from Geyersville, Calif., over California Highway 128 to Davis, Calif., and return over the same route; (51) from Los Banos, Calif., over County Road J–14 to Turlock, Calif., and return over the same route; (52) from Pacific Grove, Calif., over California Highway 68 to Salinas, Calif., and return over the same route; (53) from San Luis Obispo, Calif., over California Highway 1 to Jenner, Calif., and return over the same route;

(54) From Santa Cruz, Calif., over California Highway 17 to San Rafael, Calif., and return over the same route; (55) from Watsonville, Calif., over California Highway 129 to its junction with U.S. Highway 101 at a point approximately 9 miles south of Gilroy, Calif., and return over the same route; (56) from Castroville, Calif., to Salinas, Calif., over California Highway 183, and return over the same route; (57) from Santa Cruz, Calif., to Los Gatos, Calif., over California Highway 9, and return over the same route; (58) from Saratoga, Calif., over California Highway 85 to its junction with California Highway 82 near Sunnyvale, Calif., and return over the same route; (59) from San Jose, Calif., over Interstate Highway 280 to San Francisco, Calif., and return over the same route; (60) from Menlo Park, Calif., over California Highway 84 to its junction with U.S. Highway 50 near Livermore, Calif., and return over the same route; (61) from San Mateo, Calif., over California Highway 92 to Hayward, Calif., and return over the same route; (62) from San Jose, Calif., over Interstate Highway 680 to Vallejo, Calif., and return over the same route; (63) from Vernalis, Calif., over California Highway 132 to Coulterville, Calif., and return over the same route; (64) from Pinole, Calif., over California Highway 4 to Lake Alpine, Calif., and return over the same route; (65) from San Francisco, Calif., over Interstate Highway 80 to Inmigrant Gap, Calif., and return over the same route; (66) from Sacramento, Calif., over California Highway 160 to its junction with California Highway 4 at a point approximately 4 miles east of Antioch, Calif., and return over the same route;

(67) From Dixon, Calif., over California Highway 113 to Collinsville, Calif., and return over the same route; (68) from Stockton, Calif., over California Highway 26 to its junction with California Highway 88 at a point approximately 3 miles west of Pioneer, Calif., and return over the same route; (69) from Concord, Calif., over County Road J–4 to Byron, Calif., and return over the same route; (70) from San Francisco, Calif., over California Highway 82 to San Jose, Calif., and return over the same route; (71) from Oakland, Calif., over California Highway 24 to Walnut Creek, Calif., and return over the same route; (72) from Oakland, Calif., over Interstate

Highway 59 to its junction with Interstate Highway 5 near Tracy, Calif., and return over the same route; (73) from San Lorenzo, Calif., over U.S. Highway 50 to Stockton, Calif., and return over the same route; (74) Hayward, Calif., over California Highway 238 to Fremont, Calif., and return over the same route; (75) from Vallejo, Calif., over California Highway 29 to Upper Lake, Calif., and return over the same route; (76) from Hopland, Calif., over California Highway 175 to Middletown, Calif., and return over the same route; (77) from Calpella, Calif., over California Highway 20 to its junction with California Highway 53 at a point approximately 4 miles east of Clearlake Oaks, Calif., and return over the same route; (78) from California Highway 20 at its junction with California Highway 53 approximately 4 miles east of Clearlake Oaks, Calif., over California Highway 53 to Lower Lake, Calif., and return over the same route; (79) from Upper Lake, Calif., over unnumbered county road to its junction with California Highway 20 at a point approximately 5 miles east of Calpella, Calif., and return over the same route; (80) from Jenner, Calif., over unnumbered county road and California Highway 116 to Cotati, Calif., and return over the same route;

(81) From Guerneville, Calif., over unnumbered county road to Calistoga, Calif., and return over the same route; (82) from Vallejo, Calif., over California Highway 37 to its junction with U.S. Highway 101 at a point approximately 2 miles south of Novato, Calif., and return over the same route; (83) from Bodega Bay Calif., over unnumbered county road to Santa Rosa, Calif., and return over the same route; (84) from Monte Rio, Calif., over unnumbered county road to Valley Ford, Calif., and return over the same route; (85) from Valley Ford, Calif., over unnumbered county road to Petaluma, Calif., and return over the same route; (86) from Tomales, Calif., over unnumbered county road to Petaluma, Calif., and return over the same route; (87) from Point Reyes, Calif., over unnumbered county road to San Rafael, Calif., and return over the same route; (88) from Olema, Calif., over unnumbered county road to San Geronimo, Calif., and return over the same route; (89) from Petaluma, Calif., over California Highway 116 to its junction with California Highway 121 at a point approximately 5 miles south of Sonoma, Calif., and return over the same route; (90) from Sacramento, Calif., over U.S. Highway 50 to Kyburz, Calif., and return over the same route; (91) from Sacramento, Calif., over California Highway 16 to its junction with California Highway 88 at a point approximately 5 miles west of Cooks Station, Calif., and return over the same route; (92) from Stockton, Calif., over California Highway 88 to Hams Station, Calif., and return over the same route; (93) from Ione, Calif., over California Highway 104 to its junction with U.S. Highway 99 at a point approximately 3 miles north of Galt, Calif., and return over the same route; (94) from Napa, Calif., over California Highway 121 to its junction with California Highway 128 at a point approximately 15 miles north of Napa, Calif., and return over the same route; (95) from Manteca, Calif., over California Highway 120 to Tuolumne Meadows, Calif., and return over the same route;

(96) From Turlock, Calif., over County Road J–14 to Oakdale, Calif., and return over the same route; (97) from Oakdale, Calif., over unnumbered county road to Riverbank, Calif., thence over unnumbered county road to Escalon, Calif., and return over the same route; (98) from Roseville, Calif., over California Highway 65 to Marysville, Calif., and return over the same route; (99) from Sacramento, Calif., over California Highway 70 to Marysville Calif., and return over the same route; (100) from Nicolaus, Calif., over unnumbered county road to Broderick, Calif., and return over the same route; (101) from Verona, Calif., over unnumbered county road to Roseville, Calif., and return over the same route; (102) from Woodland, Calif., over California Highway 16 to its junction with California Highway 20 at a point approximately 10 miles south of Wilbur Springs, Calif., and return over the same route; (103) from Vacaville, Calif., over Interstate Highway 505 to its junction with Interstate Highway 5 at a point approximately 4 miles north of Zamora, Calif., and return over the same route; (104) from Interstate Highway 80 at its junction with California Highway 113 at a point approximately 2 miles west of Davis, Calif., over California Highway 113 to Woodland, Calif., and return over the same route; (105) from Yuba City, Calif., over California Highway 113 to Woodland, Calif., and return over the same route; (106) from San Fernando, Calif., over California Highway 118 to Pasadena, Calif., and return over the same route; (107) from Corona, Calif., over California Highway 31 to its junction with California Highway 60 at a point approximately 2 miles west of Mira Loma, Calif., and return over the same route; (108) from Santa Monica, Calif., over Interstate Highway 10 to White Water, Calif., and return over the same route;

(109) From Loma Linda, Calif., over California Highway 38 to Sugar Loaf, Calif., and return over the same route; (110) from Hemet, Calif., over California Highway 79 to its junction with California Highway 60 near Beaumont, Calif., and return over the same route; (111) from Temecula, Calif., over California Highway 71 and California Highway 79 to Aguanga, Calif., and return over the same route; (112) from Escondido, Calif., over unnumbered county road by way of Valley Center, Calif., to its junction with California Highway 76 near Pauma Valley, Calif., and return over the same route; (113) from Escondido, Calif., over unnumbered county road to Solano Beach, Calif., and return over the same route; (114) from Ramona, Calif., over unnumbered county road to Miramar, Calif., and return over the same route; (115) from El Cajon, Calif., over California Highway 67 to its junction with unnumbered county road at a point approximately 15 miles west of Ramona, Calif., and return over the same route; (116) from San Diego, Calif., over California Highway 94 to its junction with Interstate Highway 8 at a point approximately 2 miles east of La Mesa, Calif., and return over the same route; (117) from San Diego, Calif., over California Highway 75 to Palm City, Calif., and return over the same route; (118) from San Diego, Calif., over U.S. Highway 395 to Riverside, Calif., and return over the same route; (119) from National City, Calif., over California Highway 103 to its junction with U.S. Highway 395 at a point approximately 7 miles north of San Diego, Calif., and return over the same route; (120) from Paso Robles, Calif., over California Highway 46 to Lost Hills, Calif., and return over the same route; (121) from Santa Maria, Calif., over California Highway 166 to Maricopa, Calif., and return over the same route; (122) from Merced, Calif., over California Highway 59 to La Grange, Calif., and return over the same route; (123) from Corcoran, Calif., over unnumbered county road to its junction with California Highway 46 at a point approximately 6 miles east of Lost Hills, Calif., and return over the same route; (124) from Lamont, Calif., over California Highway 184 to its junction with U.S. Highway 99 at a point approximately 25 miles south of Bakersfield, Calif., and return over the same route;

(125) From Merced, Calif., over County Road J–7 to Escalon, Calif., and return over the same route; (126) from Laytonville, Calif., over unnumbered county road to its junction with California Highway 1 at a point approximately 3 miles north of Westport, Calif., and return over the same route; (127) from Westport, Calif., over California Highway 1 to Leggett, Calif., and return over the same route; (128) from the junction of Interstate Highway 5 and California Highway 89 at a point approximately 3 miles south of Mount Shasta, Calif., over California Highway 89 to Kinyon, Calif., and return over the same route; (129) from San Lucas, Calif., over California Highway 198 to Coalinga, Calif., and return over the same route; (130) from Atascadero, Calif., over California Highway 41 to Morro Bay, Calif., and return over the same route; (131) from Fresno, Calif., over California Highway 41 to Cholame, Calif., and return over the same route; (132) from Williams, Calif., over California Highway 20 to Clearlake Oaks, Calif., and return over the same route; (133) from Marysville, Calif., over California Highway 70 to Oroville, Calif., and return over the same route; (134) from Oroville, Calif., over California Highway 149 to its junction with U.S. Highway 99 at a point approximately 15 miles south of Chico, Calif., and return over the same route; (135) from Oak Knoll, Calif., over California Highway 96 to its junction with Interstate Highway 5 at a point approximately 8 miles north of Yreka, Calif., and return over the same route; (136) from Cinnabar Springs, Calif., over unnumbered county road to Hilt, Calif., and return over the same route; (137) from Fort Jones, Calif.,

over California Highway 3 to its junction with Interstate Highway 5 at a point approximately 2 miles south of Yreka, Calif., and return over the same route;

(138) From Copco, Calif., over unnumbered county road to its junction with Interstate Highway 5 at Hornbrook, Calif., and return over the same route; (139) from Clamathon, Calif., over unnumbered county road to Grenada, Calif., and return over the same route: (140) from Grass Lake, Calif., over California Highway 97 to Weed, Calif., and return over the same route; (141) from Little Shasta, Calif., over unnumbered county road to Yreka, Calif., and return over the same route; (142) from Little Shasta, Calif., over unnumbered county road to Bolam, Calif., and return over the same route; (143) from Ingot, Calif., over California Highway 299 to its junction with Interstate Highway 5 at a point approximately 3 miles north of Redding, Calif., and return over the same route; (144) from Rosewood, Calif., over California Highway 36 to Red Bluff, Calif., and return over the same route; (145) from Cottonwood, Calif., over County Road A–17 to its junction with California Highway 44 at a point approximately 8 miles east of Millville, Calif., and return over the same route; (146) from Redding, Calif., over California Highway 44 to its junction with County Road A–17 at a point approximately 8 miles east of Millville, Calif., and return over the same route; (147) from Red Bluff, Calif., over Interstate Highway 5 to its junction with County Road OJ–01 at a point approximately 1 mile east of Hilt, Calif., thence over County Road OJ–01 to Hilt, Calif., and return over the same route; (148) from Laytonville, Calif., over unnumbered county road to Glenn, Calif., and return over the same route; (149) from Longvale, Calif., over unnumbered county road to Dos Rios, Calif., and return over the same route; (150) from Lomo, Calif., over California Highway 32 to Newville, Calif., and return over the same route; (151) from Belden, Calif., over California Highway 70 to Oroville, Calif., and return over the same route; (152) from Nevada City, Calif., over California Highway 20 to Williams, Calif., and return over the same route; (153) from Grass Valley, Calif., over California Highway 49 to Auburn, Calif., and return over the same route;

(154) From Navarro, Calif., over California Highway 128 to Cloverdale, Calif., and return over the same route; (155) from Willits, Calif., over California Highway 20 to Dunlap, Calif., and return over the same route; (156) from Sonora, Calif., over California Highway 49 to Auburn, Calif., and return over the same route; (157) from Sonora, Calif., over unnumbered county road to Yosemite junction, Calif., and return over the same route; (158) from Merced, Calif., over California Highway 140 to Cathay, Calif., and return over the same route; (159) from Downieville, Calif., over California Highway 49 to Nevada City, Calif., and return over the same route; (160) from LaPorte, Calif., over unnumbered county road to Oroville, Calif., and return over the same route; (161) from Hamilton City, Calif., over unnumbered county road to Colusa, Calif., and return over the same route; (162) from Hollister, Calif., over California Highway 25 to its junction with California Highway 198 at a point approximately 12 miles east of San Lucas, Calif., and return over the same route; (163) from Los Alamos, Calif., over California Highway 154 to its junction with U.S. Highway 101 at a point approximately 3 miles east of Goleta, Calif., and return over the same route; (164) from Clovis, Calif., over California Highway 168 to Biola, Calif., and return over the same route; (165) from Fresno, Calif., over unnumbered county road to Sanger, Calif., and return over the same route; (166) from Reedley, Calif., over unnumbered county road to Selma, Calif., and return over the same route; (167) from Reedley, Calif., over unnumbered county road to Fowler, Calif., and return over the same route; (168) from Bakersfield, Calif., over California Highway 58 to its junction with unnumbered county road at a point approximately 2 miles east of Edison, Calif., and return over the same route;

(169) From Wheeler Ridge, Calif., over unnumbered county road to its junction with California Highway 58 at a point approximately 2 miles east of Edison, Calif., and return over the same route; (170) from Gorman, Calif., over California Highway 138 to Fairmont, Calif., and return over the same route; (171) from Loma Linda, Calif., over California Highway 30 to Sugar Loaf, Calif., and return over the same route; (172) from La Mesa, Calif., over California Highway 94 to Dulzura, Calif., and return over the same route; (173) from Alpine, Calif., over California Highway 80 to El Cajon, Calif., and return over the same route; (174) from San Diego, Calif., over Interstate Highway 8 to El Cajon, Calif., and return over the same route; (175) from Five Points, Calif., over unnumbered county road to Camden, Calif., and return over the same route; (176) from Klamath, Calif., over unnumbered county road to Klamath Glen, Calif., and return over the same route; (177) from Cooks Station, Calif., over unnumbered county road to Diamond Springs, Calif., and return over the same route; (178) from Cooks Station, Calif., over unnumbered county road to Plymouth, Calif., and return over the same route; (179) from Cook, Calif., over California Highway 193 to Georgetown, Calif., and return over the same route; (180) from Georgetown, Calif., over unnumbered county road to Placerville, Calif., and return over the same route; (181) from Greenwood, Calif., over unnumbered county road to Coloma, Calif., and return over the same route; (182) from Georgetown, Calif., over unnumbered county road to Riverton, Calif., and return over the same route; (183) from Pollack Pines, Calif., over unnumbered county road to its junction with unnumbered county road at a point approximately 5 miles east of Diamond Springs, Calif., and return over the same route;

(184) From Lotus, Calif., over unnumbered county road to Latrobe, Calif., and return over the same route; (185) from Folsom, Calif., over unnumbered county road to its junction with California Highway 16 at a point approximately 5 miles west of Plymouth, Calif., and return over the same route; (186) from Folsom, Calif., over unnumbered county road to Rescue, Calif., and return over the same route; (187) from Del Rey, Calif., over unnumbered county road to its junction with unnumbered county road at a point approximately 5 miles east of Fowler, Calif., and return over the same route; (188) from Friant, Calif., over unnumbered county road to Pinedale, Calif., and return over the same route; (189) from Cutten, Calif., over unnumbered county road to Falk, Calif., and return over the same route; (190) from Redway, Calif., over unnumbered county road to Briceland, Calif., and return over the same route; (191) from Bull Creek, Calif., over unnumbered county road to its junction with U.S. Highway 101 at a point approximately 3 miles north of Weott, Calif., and return over the same route: (192) from Fernbridge, Calif., over unnumbered county road to Centerville Beach, Calif., and return over the same route; (193) from Fields Landing, Calif., over unnumbered county road to Fernbridge, Calif., and return over the same route; (194) from Crannell, Calif., over unnumbered county road to its junction with U.S. Highway 101 at a point approximately 5 miles north of McKinleyville, Calif., and return over the same route; (195) from Bakersfield, Calif., over unnumbered county road to Poso, Calif., and return over the same route; (196) from Ducor, Calif., over unnumbered county road to Famoso, Calif., and return over the same route; (197) from Edison, Calif., over unnumbered county road to Bena, Calif., and return over the same route; (198) from Palmdale, Calif., over California Highway 14 to its junction with Interstate Highway 5 at a point approximately 7 miles north of San Fernando, Calif., and return over the same route; (199) from Raymond, Calif., over unnumbered county road to Madera, Calif., and return over the same route; (200) from Sharon, Calif., over unnumbered county road to its junction with U.S. Highway 99 at a point approximately 3 miles south of Chowchilla, Calif., and return over the same route;

(201) From Planada, Calif. over unnumbered county road to Sharon, Calif., and return over the same route; (202) from Graniteville, Calif., over unnumbered county road to its junction with California Highway 20 at a point approximately 10 miles east of Nevada City, Calif., thence over California Highway 20 to Nevada City, Calif., and return over the same route; (203) from Nevada City, Calif., over unnumbered county road to North San Juan, Calif., and return over the same route; (204) from Grass Valley, Calif., over unnumbered county road to Colfax, Calif., and return over the same route; (205) from Grass Valley, Calif., over unnumbered county road to Marysville, Calif., and return over the same route; (206) from Wolf, Calif., over unnumbered county road to

its junction with California Highway 49 at a point approximately 11 miles north of Auburn, Calif., and return over the same route; (207) from French Corral, Calif., over unnumbered county road to its junction with California Highway 49 at a point approximately 8 miles north of Nevada City, and return over the same route; (208) from Auburn, Calif., over unnumbered county road to Michigan Bluff, Calif., and return over the same route; (209) from Forest Hill, Calif., over unnumbered county road to its junction with Interstate Highway 80 at a point approximately 2 miles south of Colfax, Calif., and return over the same route; (210) from Wyandotte, Calif., over unnumbered county road to Bucks Lake, Calif., and return over the same route; (211) from Cascade, Calif., over unnumbered county road to Oroville, Calif., and return over the same route; (212) from Banning, Calif., over unnumbered county road to Mountain Center, Calif., and return over the same route;

(213) From La Canada, Calif., over California Highway 2 to its junction with California Highway 138 at a point approximately 5 miles east of Wrightwood, Calif., and return over the same route; (214) from San Bernardino, Calif., over Interstate Highway 15 to Cajon, Calif., and return over the same route; (215) from Cajon, Calif., over California Highway 138 to Harold, Calif., and return over the same route; (216) from Cajon, Calif., over unnumbered county road to Running Springs, Calif., and return over the same route; (217) from Desert Springs, Calif., over unnumbered county road to Hesperia, Calif., and return over the same route; (218) from Fallsvale, Calif., over unnumbered county road to its junction with California Highway 38 at a point approximately 2 miles south of Glen Martin, Calif., and return over the same route; (219) from Yucaipa, Calif., over unnumbered county road to its junction with Interstate Highway 10 at a point approximately 4 miles east of Loma Linda, Calif., and return over the same route; (220) from Highland, Calif., over California Highway 30 to its junction with Interstate Highway 66 at a point approximately 5 miles east of Glendora, Calif., and return over the same route; (221) from Camp Baldy, Calif., over unnumbered county road to Ontario, Calif., and return over the same route; (222) from Oak Run, Calif., over unnumbered county road to its junction with California Highway 44 at a point approximately 2 miles east of Palo Cedro, Calif., and return over the same route; (223) from Alleghany, Calif., over unnumbered county road to Goodyears Bar, Calif., and return over the same route; (224) from Alleghany, Calif., over unnumbered county road to North Columbia, Calif., and return over the same route; (225) from Forest, Calif., over unnumbered county road to its junction with California Highway 49 at a point approximately 2 miles north of North San Juan, Calif., and return over the same route; (226) from Stewart Springs, Calif., over unnumbered county road to its junction with Interstate Highway 5 at a point approximately 3 miles north of Weed, Calif., and return over the same route;

(227) From Snowdon, Calif., over unnumbered county road to its junction with unnumbered county road at a point approximately 2 miles north of Montague, Calif., and return over the same route; (228) from Red Bluff, Calif., over unnumbered county road to Balls Ferry, Calif., and return over the same route; (229) from Bend, Calif., over unnumbered county road to its junction with unnumbered county road at a point approximately 8 miles north of Red Bluff, Calif., and return over the same route; (230) from Dales, Calif., over California Highway 36 to its junction with U.S. Highway 99 at a point approximately 2 miles east of Red Bluff, Calif., and return over the same route; (231) from Tipton, Calif., over California Highway 190 to Popular, Calif., and return over the same route; (232) from Clovis, Calif., over California Highway 168 to Academy, Calif., and return over the same route; (233) from Fresno, Calif., over California 180 to Squaw Valley, Calif., and return over the same route; (234) from Orange Cove, Calif., over unnumbered county road to Reedley, Calif., and return over the same route; (235) from Dinuba, Calif., over California Highway 63 to Orosi, Calif., and return over the same route; (236) from Kingsburg, Calif., over unnumbered county road to Cutler, Calif., and return over the same route; (237) from Visalia, Calif., over California Highway 198 to Lemon Cove, Calif., and return over the same route; (238) from Ducon, Calif., over California Highway 65 to its junction with California Highway 198 at a point approximately 2 miles north of Exeter, Calif., and return over the same route; (239) from Tulare, Calif., over unnumbered county road to Lindasy, Calif., and return over the same route;

(240) From Poplar, Calif., over California Highway 190 to Worth, Calif., and return over the same route; (241) from Terra Bella, Calif., over unnumbered county road to its junction with U.S. Highway 99 at a point approximately 1 mile south of Pixley, Calif., and return over the same route; (242) from Plainview, Calif., over unnumbered county road to Strathmore, Calif., and return over the same route; (243) from Visalia, Calif., over California Highway 63 to Orosi, Calif., and return over the same route; (244) from Orosi, Calif., over unnumbered county road to its junction with unnumbered county road at a point approximately 1 mile east of Reedley, Calif., and return over the same route; (245) from Visalia, Calif., over unnumbered county road to Woodlake, Calif., and return over the same route; (246) from Woodlake, Calif., over unnumbered county road to its junction with U.S. Highway 99 at a point approximately 3 miles south of Kinsgburg, Calif., and return over the same route; (247) from Ducor, Calif., over unnumbered county road to Fountain Springs, Calif., and return over the same route; (248) from Fountain Springs, Calif., over unnumbered county road to its junction with California Highway 65 at a point approximately 2 miles south of Porterville, Calif., and return over the same route; (249) from Poso, Calif., over unnumbered county road to Woody, Calif., and return over the same route; (250) from Delano, Calif; over unnumbered county road to Woody, Calif., and return over the same route; (251) from Reedley, Calif., over unnumbered county road to Piedra, Calif., and return over the route; (252) from Hetch Hetchy, Calif., to its junction with California Highway 120 at a point approximately 10 miles east of Cliff House, Calif., and return over the same route; (253) from Redding, Calif., to Whiskeytown, Calif., over California Highway 299, and return over the same route; (254) from Whiskeytown, Calif., over California Highway 299 to Arcata, Calif., serving no intermediate points as an alternate route for operating convenience only, and return over the same route; (255) from Sonora, Calif., over California Highway 108 to Strawberry, Calif., and return over the same route, serving all intermediate points on each route listed above (except No. 254) and serving the off-route points hereinafter described:

(a) Points in Alameda, Butte, Calaveras, Colusa, Contra Costa, Glenn, Kings, Lake, Marin, Mariposa, Merced, Monterey, Napa, Orange, Sacramento, San Benito, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Solano, Stanislaus, Sutter, Tuolumne, Ventura, Yolo, and Yuba Counties, Calif.; (b) points in Amador County, Calif. (except no service on California Highway 88 east of Hams Station, Calif.); (c) points in Fresno County, Calif., west of U.S. Highway 99; (d) points in Kern County, Calif., west of U.S. Highway 99; (e) points in Los Angeles County, Calif. (except Del Sur, Quartz Hill, Lancaster, Wilsona, and High Vista); (f) points in Madera County, Calif., west of U.S. Highway 99; (g) points in Mendocino County, Calif. (except to or from points on California Highway 1 from Gualala, to Fort Bragg, Calif.); (h) points in Riverside County, Calif., west of California Highway 79; (i) points in San Diego County, Calif., west of U.S. Highway 395; (j) points in Shasta County, Calif., west of Interstate Highway 5; (k) points in Sonoma County, Calif (except no service to or from points on Highway 1 north of Jenner, Calif.); (l) points in Tehama County, Calif., west of Interstate Highway 5 (except to or from Beegum, Calif.); and (m) points in Tulare County, Calif., west of California Highway 65 and 69. Irregular routes: *Petroleum and petroleum products* in bulk, in tank vehicles, between points in California. NOTE: Applicant states the purpose of the instant application is to convert its existing certificate of registration into a certificate of public convenience and necessity, and that no operative changes will result from this

substitution. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 106398 (Sub-No. 594), filed March 30, 1972. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representative: Irvin Tull (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections mounted on wheeled undercarriages, from Fort Collins, Colo., to points in the United States (except Alaska and Hawaii). NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 106398 (Sub-No. 599), filed April 19, 1972. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representative: Irvin Tull (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain dryers*, from the plantsite of Farm Fans, Inc., at Indianapolis, Ind., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 106674 (Sub-No. 90), filed April 18, 1972. Applicant: SCHILLI MOTOR LINES, INC., Post Office Box 122, Delphi, IN 46923. Applicant's representative: Thomas R. Schilli (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry fertilizer* in bags and in bulk, except in tank vehicles, and *anhydrous ammonia*, from the plantsite of Illinois Nitrogen, Inc., Marseilles, Ill., to points in Michigan, (2) *dry fertilizer*, in bulk, except in tank vehicles, from the plantsite and storage facilities of Central Nitrogen, Inc., at or near Terre Haute, Ind., to points in Illinois north of U.S. Highway 36 and west of U.S. Highway 51, (3) *anhydrous ammonia*, in bulk, from Lima, Ohio, to points in Michigan and Indiana, (4) *anhydrous ammonia*, liquid in bulk, (a) from Huntington, Ind., to points in Michigan and Ohio, and (b) from Crawfordsville, Ind., to points in Illinois, Michigan, and 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 Indianapolis, Ind., or Chicago, Ill.

No. MC 107403 (Sub-No. 832) (Amendment), filed March 7, 1972, published in the FEDERAL REGISTER issue of April 20, 1972, and republished in part as amended, this issue. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representative: Harry C. Ames, Jr., 666 11th Street NW., Washington, DC 20001. NOTE: The purpose of this partial republication is to reflect that the applicant does intend to tack the requested authority with its existing authority. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. The rest of the application remains the same.

No. MC 107496 (Sub-No. 843), filed April 10, 1972. Applicant: RUAN TRANSPORT CORPORATION, Third at Keosauqua Way, Post Office Box 855, Des Moines, IA 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Spent hexane*, in bulk, in tank vehicles, from the plantsite of Pfizer, Inc., located at or near Groton, Conn., to Sidney, Nebr.; (2) *sulphuric acid* from Badger Army Ammunitions plantsite, Olin Corp. facilities at or near Merimac, Wis., to Cloquet, Minn.; (3) *limestone*, from points in Wisconsin to points in Minnesota; and (4) *coal tar and coal tar products*, in bulk, from Indianapolis, Ind., to points in Michigan, Ohio, Illinois, and Wisconsin. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority, but indicates 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 Chicago, Ill., or Des Moines, Iowa.

No. MC 107515 (Sub-No. 800), filed April 12, 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: *Meats, meat products, and meat byproducts* as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except in bulk and except hides and skins), from the plantsite of Swift & Co. at Clovis, N. Mex., and Guymon, Okla., to points in Alabama, Florida, Georgia, Tennessee (except Memphis), Kentucky, North Carolina, South Carolina, Virginia, West Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, 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 Dallas, Tex., or Chicago, Ill.

No. MC 108053 (Sub-No. 115), filed April 19, 1972. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., Post Office Box 129, Fremont, NE 68025. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and 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 Dubuque, Iowa to points in Arizona, Nevada, and Utah. 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 109689 (Sub-No. 232) (Correction), filed February 28, 1972, published in the FEDERAL REGISTER, issue of March 30, 1972, and republished in part, as corrected this issue. Applicant: W. S. HATCH CO., a corporation, 643 South 800 West, Post Office Box 1825, Salt Lake City, UT 84110; Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, UT 84111. NOTE: The purpose of this partial republication is to correctly identify the commodity description in paragraph (4) as *hydrochloric acid*, in lieu of hydroschloric acid, published erroneously in the previous publication. The rest of the application remains the same.

No. MC 110420 (Sub-No. 652), filed April 10, 1972. Applicant: QUALITY CARRIERS, INC., Post Office Box 186, Pleasant Prairie, WI 53158. Applicant's representative: Fred H. Frigge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, dry, in bulk, in tank or hopper type vehicles, from Battle Creek, Mich., to points in Alabama, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. 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.

No. MC 110525 (Sub-No. 1033), filed March 30, 1972. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrous sodium silicate*, in bulk, in tank vehicles, from Havre De Grace, Md., to the United States border at or near Niagara Falls, N.Y. 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 Cincinnati, Ohio.

No. MC 110988 (Sub-No. 284), filed April 12, 1972. Applicant: SCHNEIDER TANK LINES, INC., 200 West Cecil Street, Neehan, WI 54956. Applicant's representative: David A. Peterson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lime, limestone, and limestone products*, in bulk, in hopper-type vehicles, from points in Tooele County, Utah, to points in Arizona, California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming; (2) *bentonite clay*, in bulk, in tank, or hopper-type vehicles, from Belle Fourche, S. Dak., to points in Iowa, Nebraska, Minnesota, and Wisconsin; (3) *modified soybean oil*, in bulk, in tank vehicles, from Blooming Prairie, Minn., to points in California, Georgia, Massachusetts, Mississippi, Pennsylvania, and Texas; (4) *liquid feed supplements*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Illinois, Indiana, Kentucky, and Ohio; and (5) *lignin liquor and lignin pitch*, in bulk, in tank, or hopper-type vehicles, from Peshtigo, Wis., to points in Colorado, North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Illinois, Michigan, Indiana, Ohio, New York, Pennsylvania, New Jersey, and Kentucky. 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., or Minneapolis, Minn.

No. MC 111545 (Sub-No. 170), filed April 7, 1972. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road, Marietta, GA 30060. Applicant's representative: Robert E. Born, Post Office Box 6426, Station A, Marietta, GA 30060. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, and *buildings* in sections, from points in Guilford County, N.C., and Pickens County, Ala., to points in the United States (except Alaska and Hawaii). NOTE: Applicant indicates that tacking is possible but 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 that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 111812 (Sub-No. 472), filed March 30, 1972. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, SD 57101. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery, and related articles including syrups* (chocolate or cocoa, fruit or flavoring), *cocoa butter, cocoa, chocolate coating, and related chocolate products, and advertising materials and displays*, from Derry Township, Pa., to points in California, Arizona, and Salt Lake City, Utah, restricted to traffic originating at Derry Township, Pa. 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 Harrisburg or Philadelphia, Pa.

No. MC 113267 (Sub-No. 281), filed March 31, 1972. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, IL 62232. Applicant's representative: Lawrence A. Fischer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, coconuts, pineapples, and plantains*, from Galveston, Tex., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kentucky, Louisiana, Kansas, Michigan, Minnesota, Mississippi, Missouri, North Dakota, Nebraska, Ohio, Oklahoma, South Dakota, Tennessee, and Wisconsin. NOTE: Applicant states that tacking is possible at Gulfport, Miss., or New Orleans, La., with its Sub-Nos. 2 and 3, however 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 Miami, Fla., or New Orleans, La.

No. MC 113267 (Sub-No. 282), filed March 31, 1972. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, IL 62232. Applicant's representative: Lawrence A. Fischer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and storage facilities utilized by Michigan Lloyd J. Harriss Pie Co., at or near Saugatuck and Holland, Mich., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas. 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.

No. MC 113267 (Sub-No. 283), filed March 31, 1972. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, IL 62232. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, coconuts, pineapples, and plantains*, from Morehead City, N.C., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Kansas, Michigan, Minnesota, Mississippi, Missouri, North Carolina, North Dakota, Nebraska, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, Texas, Wisconsin, and the District of Columbia and New York. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked at Gulfport, Miss., or New Orleans, La., with its Subs 2 and 3, however tacking is not intended. If a hearing is deemed necessary, applicant requests it be held at Miami or Jacksonville, Fla.

No. MC 113666 (Sub-No. 65), filed April 7, 1972. Applicant: FREEPORT TRANSPORT, a corporation, 1200 Butler Road, Freeport, PA 16229. Applicant's representative: Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Refractory products, materials and supplies used in the production and installation of refractory products, brick, earthenware, and clay products*, from points in Callaway and Audrain Counties, Mo., and points in Ohio to the ports of entry on the international boundary between the United States and Canada located in Minnesota, Michigan, New York, Vermont, New Hampshire, and Maine; and (2) *fly ash*, (a) from points in Monongahela Township, Greene County, and points in Clearfield County, Pa., to points in Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, and West Virginia, and (b) from points in Allegheny, Armstrong, Beaver, Indiana, and Washington Counties, Pa., to points in Delaware, New Jersey, Pennsylvania, and 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 Pittsburgh, Pa., or Washington, D.C.

No. MC 113855 (Sub-No. 253), filed April 12, 1972. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, MN 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pipe, conduit, tubing, ducts, or raceways, and fittings therefor;* from the plantsite and facilities of Jones & Laughlin Steel Corp. at New Kingston, Pa., to points in California, Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming; and (2) *pipe, conduit, tubing, ducts, or raceways, and fittings therefor;* from the plantsite and facilities of Jones &

Laughlin Steel Corp. at Niles, Ohio, to points in California, Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming. 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 Pittsburgh, Pa., or Washington, D.C.

No. MC 114273 (Sub-No. 118), filed April 3, 1972. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, Cedar Rapids, IA 52406. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, IA 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal alloys*, from Marietta, Mansfield, and Ashtabula, Ohio, and Alloy, W. Va., to the plantsite of Carpenter Bros., Inc., in Milwaukee, Wis., restricted to traffic originating at said origin points and destined to the plantsite of Carpenter Bros., Inc., at Milwaukee, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114284 (Sub-No. 55), filed April 3, 1972. Applicant: FOX-SMYTHE TRANSPORTATION COMPANY, a corporation, Post Office Box 82307, Stockyards Station, Oklahoma City, OK. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. 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 Carroll, Iowa Falls, and Denison, Iowa, to points in Arkansas, Arizona, California, Missouri, Nevada, New Mexico, Oklahoma, and Texas. Restriction: The operations authorized herein are restricted to the transportation of traffic originating at the plantsite or storage facilities of Farmland Foods, Inc., at or near Carroll, Iowa Falls, and Denison, Iowa, and destined to the above-named destination States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 114890 (Sub-No. 63), filed April 11, 1972. Applicant: C. E. REYNOLDS TRANSPORT, INC., Post Office Box A, Joplin, MO 64801. Applicant's representative: Dean Williamson, 280 National Foundation Life Center, 3535 Northwest 58th Street, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, in tank or hopper type vehicles, from Atlas, Mo., to points in Arkansas, Illinois, Iowa, Nebraska, Oklahoma, and Kansas. 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 Tulsa, Okla., or Kansas City, Mo.

No. MC 115162 (Sub-No. 247), filed April 12, 1972. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, AL 36401. Applicant's representative: Robert E. Tate (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardboard, wood particleboard, plywood, veneer, and wood paneling*, from Oshkosh, Wis., to points in Alabama, Florida, Louisiana, Mississippi, and Texas. 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 Madison, Wis., or Chicago, Ill.

No. MC 115162 (Sub-No. 248), filed April 20, 1972. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, AL 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board and materials and accessories* used in the installation of composition board, from points in Henry County, Tenn., to points in Missouri, Kentucky, North Carolina, South Carolina, Delaware, Maryland, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, 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 Tampa, Fla., or Nashville, Tenn.

No. MC 115180 (Sub-No. 83), filed April 18, 1972. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 265 West 14th Street, New York, NY 10014. 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: *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 Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Rhode Island, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at named origins and destined to points in named territory. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., Philadelphia, Pa., or Washington, D.C.

No. MC 115841 (Sub-No. 429), filed April 3, 1972. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Birmingham, AL 35204. Applicant's representative: Roger M. Shaner, Post Office Box 168, Concord, TN 37720. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery*, from Hackettstown, N.J., and Elizabethtown, Pa., to points in North Carolina, South Carolina, Georgia, Tennessee, Florida, Alabama, Mississippi, Louisiana, Arkansas, Oklahoma, Texas, Kansas, Nebraska, Utah, California, Arizona, Ohio, Indiana, Illinois, and Michigan. NOTE: Applicant states it can tack at New York City, N.Y., Cleveland, Ohio, and points in Tennessee and Alabama. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., New York City, N.Y., or Washington, D.C.

No. MC 116038 (Sub-No. 31), filed April 18, 1972. Applicant: NORTHERN MOTOR CARRIERS, INC., Route 9, Saratoga Road, Fort Edward, N.Y. 12828. Applicant's representative: Mel P. Booker, Jr., 2030 North Adams Street, Arlington, VA 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium carbonate*, in bulk, in tank vehicles, from Swanton, Vt., to Adams Center and Canton, N.Y. 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 117304 (Sub-No. 32), filed April 7, 1972. Applicant: DON PAFFILE, doing business as PAFFILE TRUCK LINES, 2906 29th Street, Lewiston, ID 83501. Applicant's representative: George Labissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood and wood products*, from points in Idaho north of the southern boundaries of Idaho and Lemhi Counties to points in Michigan, Indiana, and 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 Spokane, Wash.

No. MC 117686 (Sub-No. 133), filed March 28, 1972. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Sioux City, IA 51102. Applicant's representative: A. J. Swanson, Post Office Box 417, Sioux City, IA 51102. 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, except hides and commodities in bulk, from Carroll, Denison, and Iowa Falls, Iowa, to points in Alabama, Arkansas, Georgia, Louisiana, Mississippi, and Tennessee. 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., or Omaha, Nebr.

No. MC 117686 (Sub-No. 134), filed March 28, 1972. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 Highway 75 North, Sioux City, IA 51102. Applicant's representative: A. J. Swanson, Post Office Box 417, Sioux City, IA 51102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas*, and (2) *Coconuts, plantains, pineapples, and other agricultural commodities* exempt economic regulation under section 203(b)(6) of the Interstate Commerce Act, when transported in mixed shipments with bananas, from Charleston, S.C., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota. 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 Orleans, La., or Washington, D.C.

No. MC 117799 (Sub-No. 31) (amendment), filed February 15, 1972, published in the FEDERAL REGISTER issue of March 9, 1972, and republished as amended this issue. Applicant: BEST WAY FROZEN EXPRESS, INC., Room 205, 3033 Excelsior Boulevard, Minneapolis, MN. 55416. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapoils, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic granules and pellets* (in drums) from Jamesburg, N.J., and Kobuta (Beaver County), Pa., to Nixa, Mo. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. The purpose of this republication is to redescribe the commodity description. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Omaha, Nebr.

No. MC 117940 (Sub-No. 77), filed March 29, 1972. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, MN 55359. 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: *Bananas*, and *agricultural commodities* exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with bananas, from Galveston, Tex., to ports of entry on the international boundary line between the United States and Canada located in Minnesota and North Dakota, restricted to traffic moving in foreign commerce. NOTE: Applicant now holds contract carrier authority under its No. MC 114789 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 Houston, Tex.

No. MC 118989 (Sub-No. 70) (Amendment), filed February 4, 1972, published in the FEDERAL REGISTER issue of March 9, 1972, and republished as amended this issue. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, WI 53211. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are manufactured or distributed by manufacturers of converters of cellulose materials and products, plastic materials and products, paper and paper products (except commodities in bulk), between the plantsites and storage facilities of Will Ross, Inc., located at Milwaukee, Wis.; Cohoes, N.Y.; Atlanta, Ga.; Carrollton, Tex.; Minneapolis, Minn.; Baltimore, Md.; Cincinnati, Ohio; St. Clair Shores, Mich., Los Angeles, Calif.; Seattle, Wash.; Orlando, Fla.; San Jose, Calif.; Denver, Colo.; Stoneham, Mass.; Moorestown, N.J.; Chicago, Ill.; Kansas City, Mo.; Cleveland, Ohio; Detroit, Mich.; Houston, Tex.; San Franicisco, Calif; Beltsville, Md; Norwood, Ohio; East Rutherford, N.J.; Cucamonga, Calif.; Joliet, Ill.; La Porte, Tex.; Morrow, Ga.; Newark, Calif.; New Johnsonville, Tenn.; Whitby, Ontario, Canada; Dallas, Tex.; Jackson, Wis.; Dothan, Ala.; Akron, Ohio; Tucson, Ariz.; North Kansas City, Mo.; Des Moines, Iowa; Oconomowoc, Wis.; Ozark, Ala.; Kent, Ohio; Lake Geneva, Wis.; Berkeley Heights, N.J.; Gloucester, Mass.; Aqua Prieta, Mex.; Fulton, N.Y.; Mississauga, Ontario, Canada; Carolina, Puerto Rico; and Santurce, Puerto Rico, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), from points in the United States (except Alaska and Hawaii) to the plant and storage facilities of Will Ross, Inc., as listed in (1) above, restricted to traffic originating at and destined to the named plant and storage facilities. NOTE: The purpose of this republication is to show the locations of the specific plantsites of Will Ross, Inc. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 119118 (Sub-No. 34), filed March 28, 1972. Applicant: McCURDY TRUCKING, INC., Post Office Box 388, Latrobe, PA 15650. 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: *Malt beverages*, in containers and *related advertising material* moving therewith, (a) from Frankenmuth, Mich., to points in Illinois, Indiana, Kentucky, New York, Ohio, Wisconsin, Pennsylvania, and West Virginia, and St. Louis, Mo., and Baltimore, Md., and (b) from Baltimore, Md., to points in Illinois, Kentucky, and St. Louis, Mo., and *empty malt beverage containers* on return. NOTE: Applicant also holds contract carrier authority under MC 116564, therefore dual operations may be involved. 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 Washington, D.C., or Boston, Mass.

No. MC 119539 (Sub-No. 18), filed April 11, 1972. Applicant: BEVERAGE TRANSPORT, INC., Post Office Box 88, East Bloomfield, 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: *Malt beverages*, from Fort Wayne, Ind., to points in New York and Pennsylvania and return of *empty containers* to point of origin. 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 119539 (Sub-No. 19), filed April 11, 1972. Applicant: BEVERAGE TRANSPORT, INC., Post Office Box 88, East Bloomfield, 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 Hamlin, Holley, and Williamson, N.Y., to points in New York State (except as presently authorized). 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 Rochester or Syracuse, N.Y.

No. MC 119767 (Sub-No. 284), filed March 29, 1972. Applicant: BEAVER TRANSPORT CO., a corporation, I-94 and County Highway C, Bristol, Wis., Post Office Box 188, Pleasant Prairie, WI 53158. Applicant's representative: Fred H. Figge (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* and *potato products*, from Fairmont, Minn., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, and Wisconsin. 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.

No. MC 119777 (Sub-No. 240), filed August 6, 1972. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Box L, Madisonville, KY 42431. Applicant's representative: Robert E. Born, Post Office Box 6426, Station A, Marietta, GA 30060. Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic conduit, pipe, and tubing and fitting for plastic conduit, pipe, and tubing*, between Sparta, Tenn., on the one hand, and, on the other, points in the United States (excluding Hawaii and Alaska). NOTE: Applicant holds contract carrier authority under MC 129670, therefore, dual operations and common control may be involved. Applicant seeks no duplicating authority. 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 Dallas, Tex., or Washington, D.C.

No. MC 119917 (Sub-No. 34), filed March 31, 1972. Applicant: DUDLEY TRUCKING COMPANY, INC., 717 Memorial Drive SE., Atlanta, GA 30316. Applicant's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road SE., Atlanta, GA 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, from the plants and shipping facilities of Nabisco, Inc., in Atlanta, Ga., to Lexington and Louisville, Ky., and the *return of stale, damaged, and rejected bakery products*, from Lexington and Louisville, Ky., to the plants and shipping facilities of Nabisco, Inc., in Atlanta, Ga. NOTE: The applicant does not intend to and will not tack the sought authority with existing authority in order to perform through movements of the involved commodities to or from other origins or destinations. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 119974 (Sub-No. 38), filed April 10, 1972. Applicant: L. C. L. TRANSIT COMPANY, a corporation, 949 Advance Street, Green Bay, WI 54305. Applicant's representative: Charles E. Dye (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and materials, supplies, and equipment* used or useful in the production thereof, between Clare and Cadillac, Mich., on the one hand, and, on the other, points in Illinois, Minnesota, and Wisconsin. Restricted to traffic originating at and destined to the above-named points. 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 119988 (Sub-No. 50) (Amendment) filed February 14, 1972, published in the FEDERAL REGISTER, issue of March 16, 1972, and republished as amended this issue. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, Post Office Box 1384, Lufkin, TX 75901. Applicant's representative: Mert Starnes, Post Office Box 2207, Austin, TX 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter;* and (2) *newspaper supplements* otherwise exempted from economic regulations under section 203(b)(7) of the Interstate Commerce Act when transported in mixed loads with printed advertising matter, from New Orleans, La., to points in Alabama, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas (serving points in Texas for purposes of joinder only), Vermont, Virginia, and West Virginia; and (3) *paperboard*, on cylinders, from the plantsite of EasTex, Inc., located at or near Silsbee, Tex., to Port Gibson, Miss. NOTE: Applicant intends to tack parts (1) and (2) of the above at points in Texas with its Sub 26 authority to provide through service to points in the United States (except Los Angeles and San Francisco, Calif., St. Louis, Mo., Memphis, Tenn., Phoenix and Tucson, Ariz., points in Escambia and Santa Rosa Counties, Fla., points in Carroll, Clayton, Cobb, De Kalb, Douglas, Fulton, and Haralson Counties, Ga., and except points in Alabama, Alaska, Arkansas, Connecticut, Hawaii, Indiana, Illinois, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas, Vermont, West Virginia, and Wisconsin). The purpose of this republication is to redescribe the authority sought. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or New Orleans, La.

No. MC 121600 (Sub-No. 1), filed April 6, 1972. Applicant: AVERITT EXPRESS, INC., Post Office Box 273, Livingston, TN 38570. Applicant's representative: A. O. Buck, 500 Court Square Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular and regular routes, transporting: *General commodities* (except classes A and B explosives, household goods, commodities in bulk, and commodities requiring special equipment). Irregular routes: (1) From Nashville, Tenn., to points in Jackson, Overton, and Pickett Counties, Tenn., serving no intermediate points between Nashville, Tenn., and Jackson and Overton Counties, Tenn.; and Regular Routes: (2) Between Sparta, Tenn., and Louisville, Ky., from Sparta, Tenn., over Tennessee Highway 42 to its junction with Tennessee Highway 52, thence over Tennessee Highway 52 to junction Tennessee Highway 51, thence over Tennessee Highway 51 to junction Kentucky Highway 163, thence over Kentucky Highway 163 to junction Kentucky Highway 63, thence over Kentucky Highway 63 to junction Kentucky Highway 90, thence over Kentucky Highway 90 to junction Interstate Highway 65, thence over Interstate Highway 65 to Louisville, Ky., and return over the same route, serving all intermediate points located in White, Putnam, and Overton Counties, Tenn., and serving all other points in White, Putnam, and Overton Counties, Tenn., as off-route points. Restriction: Service at Louisville, Ky., and its commercial zone is restricted against the transportation of traffic originating at, destined to or interchanged at Nashville, Tenn., and points in its commercial zone. NOTE: Applicant states that it proposed to tack the requested authority in (1) and (2) above at all common points in Overton County, Tenn. Applicant further states that it presently has authority set out in (1) above in its certificate of registration MC 121600 and by this application seeks to convert into one of public convenience and necessity. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 123004 (Sub-No. 2), filed March 31, 1972. Applicant: THE LUPER TRANSPORTATION COMPANY, a corporation, 350 East 21st Street, Wichita, KS 67214. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *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, (a) between Wichita, Kans., on the one hand, and, points in Texas, Arkansas, Louisiana, Oklahoma, and Missouri lying on and south of a line beginning at the Mississippi River on the east and thence west over U.S. Highway 60 to its intersection with Missouri Highway 5 near Mansfield, Mo., thence northerly over Missouri Highway 5 to its intersection with U.S. Highway 54 near Camdenton, Mo., thence west over U.S. Highway 54 to the Kansas-Missouri State line; and points in New Mexico lying on and east of a line beginning at the New Mexico-Oklahoma State line, thence westerly over U.S. Highway 64 to Clayton, N. Mex., thence southerly over New Mexico Highway 18 to its intersection with U.S. Highway 54 near Tucumcari, N. Mex., thence over U.S. Highway 54 to Alamogordo, N. Mex., thence over U.S. Highway 70 to Las Cruces, N. Mex., thence over U.S. Highway 80 to the Texas-New Mexico State line and Memphis, Tenn., on the other; (b) from Topeka, Kans., on the one hand to Almagordo, N. Mex.; points in Texas; and those in that part of New Mexico bounded by a line beginning at the Oklahoma-New Mexico State line on New Mexico Highway 18, thence in a southerly direction along New Mexico Highway 17 through Clayton, N. Mex., to Nara Visa, N. Mex., thence in a southwesterly direction along U.S. Highway 54 through Tucumcari and Vaughn, N. Mex., to Tularosa, N. Mex., thence in a northeasterly direction along U.S. Highway 70 to junction U.S. Highway 285 at Roswell, N. Mex., thence along U.S. Highway 285 via Carlsbad, N. Mex., to the Texas-New Mexico State line,

thence easterly and northerly along the New Mexico-Texas State line to the Oklahoma-New Mexico State line, and thence northerly along the Oklahoma-New Mexico State line to the point of beginning, including points on the indicated portions of the highways specified, on the other; (c) between Arkansas City, Kans., on the one hand, and, points in Oklahoma, Texas, New Mexico, Arizona, Arkansas, and Memphis, Tenn., on the other, and (d) between the site of Cudahy Packing Co. at Phoenix, Ariz., and the site of the Cudahy Packing Co. in Wichita, Kans.;

(2) *Such commodities,* as are used by meat packers in the conduct of their business when destined to and for use by meat packers, as described in section D of appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except when moving in tank vehicles), *butter, cheese, and oleomargarine,* from Memphis, Tenn., on the one hand, points in Arkansas, Louisiana, Oklahoma, Texas, and that part of Missouri on and south of a line beginning at the Missouri-Kansas State line and extending along U.S. Highway 54 to Camdenton, Mo., thence along Missouri Highway 5 to Mansfield, Mo., and thence along U.S. Highway 60 to the Mississippi River, to Wichita, Kans., on the other; (3) *Canned fruits and vegetables,* from points in Arkansas on and west of U.S. Highway 67 on the one hand, to points in Oklahoma on and east of U.S. Highway 283, and those in Kansas on and west of a line extending from Coffeyville through Chanute and Topeka, Kans., on the other, and (4) *lard substitutes and cooking oils,* from Memphis, Tenn., to Wichita, Kans. Restriction: The service above is restricted to traffic originating at the named points of origin and destined to the named points of destination. NOTE: Applicant holds contract carrier authority under MC 30451 and subs thereunder, applicant states that if common carrier authority is granted the contract carrier authority will be canceled. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 123048 (Sub-No. 212), filed April 6, 1972. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, WI 53401. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Experimental and show display tractors and farm and industrial machinery, and equipment,* which at the time of movement (1) are being transported for the purposes of display or experiment, and not for sale, and (2) are moving between the sites of plants, sales branches, warehouse, experimental stations and/or farms, shows, exhibits, and field demonstrations, owned, operated, or used by the Calumet Co., Kasten Manufacturing Corp. and Koehring Farm Division; and *incidental paraphernalia,* moving in the same vehicles and at the same time, between points in the United States (except Hawaii and Alaska). 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 Milwaukee, Wis.

No. MC 123061 (Sub-No. 63), filed April 3, 1972. Applicant: LEATHAM BROTHERS, INC., 46 Orange Street, Salt Lake City, UT 84104. Applicant's representative: Harry D. Pugsley, 400 Elpaso Gas Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Limestone rock, lime, and lime products,* from points in Tooele County, Utah, to points in Montana, Washington, Idaho, and Oregon. 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 Salt Lake City, Utah.

No. MC 123294 (Sub-No. 27), filed April 7, 1972. Applicant: WARSAW TRUCKING CO., INC., 1102 West Winona Avenue, Warsaw, IN 46580. 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: *Adhesives, building materials, composition board, gypsum products, gypsum board paper, mineral fiber products, paint and paint products, and such materials, equipment, and supplies* as are used in the manufacture, packaging, installation, or distribution of the aforementioned commodities (except commodities in bulk), between the plantsite and facilities of United States Gypsum Co. at or near Gypsum, Ohio, on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maryland, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennslyvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, 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 Washington, D.C., or Chicago, Ill.

No. MC 123387 (Sub-No. 2), filed April 5, 1972. Applicant: E. E. HENRY, 1128 South Military Highway, Chesapeake, VA 23320. Applicant's representative: Calvin F. Major, 200 West Grace Street, Richmond, VA 23220. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Malt beverages,* from the plantsite and facilities of Anheuser-Busch, Inc., near Williamsburg, Va., to Elizabeth City, N.C., Norfolk, Va., and points in Maryland; and (2) *soft drinks, soft drink syrups and soda, and other waters* in bottles or cans, from Norfolk, Va., to Elizabeth City, N.C. 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 Richmond, Va.

No. MC 123639 (Sub-No. 145), filed April 10, 1972. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, CO 80216. Applicant's representative: John F. DeCock (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* 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 Colorado, Illinois, Kansas, Nebraska (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.

No. MC 124947 (Sub-No. 16), filed April 12, 1972. Applicant: MACHINERY TRANSPORTS, INC., Post Office Box 2338, 608 Cass Street, East Peoria, IL 61611. 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: *Wire and wire products, fencing materials and accessories, nails, staples, rods, joists, angles, and bars,* from the plantsite of Keystone Steel & Wire Co., at or near Bartonville, Ill., to points in Wisconsin. 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 Springfield, Ill.

No. MC 124579 (Sub-No. 7), filed April 3, 1972. Applicant: WIKEL BULK EXPRESS, INC., Route 1, Huron, Ohio 44839. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, OH 43215. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (a) *Blacktop sealer, blacktop sealing machines, storage and mixing tanks, and supplies and accessories* used in the installation and application of such commodities from points in Erie and Ottawa Counties, Ohio, to points in Michigan, Indiana, Illinois, Wisconsin, Kentucky, Tennessee, West Virginia, Virginia, Pennsylvania, New York, New Jersey, Maryland, and Delaware, (b) *materials and supplies* used in the manufacture of blacktop sealer, blacktop sealing machines, and storage and mixing tanks, from points in the destination States named in (a) above to points in Erie and Ottawa Counties, Ohio, and (c) *returned, rejected, repossessed, and refused blacktop sealer, blacktop sealing machines, and storage and mixing tanks* from points in the destination States named in (a) above to points in Erie and Ottawa Counties, Ohio. NOTE: Applicant also holds contract carrier authority

under MC 114377, 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 Columbus, Ohio.

No. MC 125035 (Sub-No. 24), filed April 5, 1972. Applicant: RAY E. BROWN TRUCKING, INC., Post Office Box 84, Massillon, OH 44646. Applicant's representative: Fred H. Zollinger, 800 Cleve-Tusc Building, Canton, Ohio 44702. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream, ice cream confections, ice confections and ice water confections*, from Wheeling, W. Va., to points in New Jersey, under contract with The Ziegenfelder Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, Pittsburgh, Pa., or Columbus, Ohio.

No. MC 126118 (Sub-No. 15), filed April 12, 1972. Applicant: GEORGE M. HILL, doing business as HILL TRUCKING COMPANY, Route 7, Johnson City, Tenn. 37601. Applicant's representative: R. Cameron Rollins, 321 East Center Street, Kingsport, TN 37660. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Detroit, Mich., to Johnson City and Cookeville, Tenn. 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 Nashville, Tenn.

No. MC 126305 (Sub-No. 41), filed April 21, 1972. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., Rural Delivery 2, Clayton, Ala. 36016. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: (1) *Ground and pulverized clay, rock and sand*, (2) *clay*, ground or pulverized, (3) *brick, shale, and clay products*, and (4) *clay, sand, rock*, ground or pulverized, *bonding mortar, pressed clay, and shale*, from points in Calhoun County, Ala., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, and (5) *steel rollers*, between Anniston, Ala., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. 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 Birmingham or Montgomery, Ala.

No. MC 128273 (Sub-No. 127), filed April 3, 1972. Applicant: MIDWESTERN EXPRESS, INC., 121 Humboldt, Post Office Box 189, Fort Scott, KS 66701. Applicant's representative: Danny Ellis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, material and supplies* used in the manufacture and distribution of paper and paper products (except commodities in bulk and commodities which, because of size or weight, require the use of special equipment), between Ripon, Calif., on the one hand, and, on the other, points in Arizona, Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Texas, Utah, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 129631 (Sub-No. 29), filed March 31, 1972. Applicant: PACK TRANSPORT, INC., Post Office Box 17233, Salt Lake City, UT 84117. Applicant's representative: Max D. Eliason, Post Office Box 2602, Salt Lake City, UT 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe or tubing, aluminum or plastic or composition, and fittings therefor*, from Vancouver, Wash., Portland, Eugene, and Springfield, Oreg., to points in Idaho, Montana, Wyoming, Colorado, Arizona, Utah, and Nevada. 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 Salt Lake City, Utah, or Portland, Oreg.

No. MC 133922 (Sub-No. 6), filed April 3, 1972. Applicant: WILLIAM H. NAGEL, doing business as NAGEL TRUCKING, Post Office Box 98, Wolcott, IN 47995. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning compounds*, from Chicago, Ill., to points in the United States (except Alaska, Hawaii, Washington, Montana, Utah, Arizona, Idaho, Oregon, Nevada and New Mexico), restricted to a contract or continuing contracts with Babbitt Products. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 133967 (Sub-No. 12), filed April 10, 1972. Applicant: JOHN R. McCORMICK, doing business as McCORMICK TRUCKING, Route 1, Catawba, Wis. 54515. Applicant's representative: Rolfe E. Hanson, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products* (except commodities in bulk), from Park Falls, Wis., to points in Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin; (2) *machinery and machinery parts* (except commodities which by reason of size or weight require special equipment or handling), when moving in mixed loads with paper or paper products, from Park Falls, Wis., to points in the States named in item (1) above; and (3) *materials, equipment, and supplies* (except commodities in bulk), used in the manufacture and distribution of the commodities named in item (1) above, from the destination points named in item (1) above to Park Falls, Wis., under contract with Flambeau Paper Co., a division of the Kansas City Star Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wis.

No. MC 134040 (Sub-No. 3), filed April 5, 1972. Applicant: ACME TRANSFER, INC., Post Office Box 404, 2103 First Avenue North, Fort Dodge, IA 50501. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal products and metal articles*, between the plantsite and storage facilities utilized by H. Kramer & Co. in Chicago, Ill., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii) under contract with H. Kramer & Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 134134 (Sub-No. 12), filed March 28, 1972. Applicant: MAINLINER MOTOR EXPRESS, INC., 2002 Madison Street, Omaha, NE 68107. Applicant's representative: Robert V. Dwyer, Jr., 1601 Woodmen Tower, Omaha, Nebr. 68102. 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 (except commodities in bulk, in tank vehicles, and hides), from the plantsite and storage facilities utilized by Farmland Foods, Inc., at or near Carroll, Denison, and Iowa Falls, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the named plantsite and storage facilities and destined to the named destination States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 134323 (Sub-No. 23), filed April 10, 1972. Applicant: JAY LINES, INC., 720 North Grand, Amarillo, TX 79107. Applicant's representative: Duane Acklie, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household appliances*,

*furnaces, air cleaners, air conditioners, heaters, humidifiers, and dehumidifiers, and related items; and materials, parts, and supplies* used in the manufacture, production, and distribution thereof, between Middlesex County, N.J., on the one hand, and, on the other, points in Nebraska, Wisconsin, Iowa, and Illinois, under continuing contract with the Fedders Corp., its divisions and subsidiaries. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 134599 (Sub-No. 38), filed April 13, 1972. Applicant: INTERSTATE CONTRACT CARRIER CORP., Post Office Box 748, Salt Lake City, UT 84110. Applicant's representative: Richard A. Peterson, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery and advertising and display materials* when moving in the same vehicle at the same time with candy and confectionery, from Ashley and Centralia, Ill., to points in Wisconsin, Indiana, Michigan, and Ohio, under contract with Hollywood Brands, a division of Consolidated Foods Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Lincoln, Nebr.

No. MC 134617 (Sub-No. 2), filed March 29, 1972. Applicant: TRUCK TRAILER LEASING COMPANY, a corporation, 248 Ohio River Boulevard, Sewickley, PA 15143. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, and materials, supplies, and equipment* used in the manufacture and distribution of plastic articles (except commodities in bulk), between the plantsite of Romco Industries Corp. and its divisions, Yankee Plastics Division; Romco, Inc.; and H and T Sales, Inc., at North Leominster, Mass., on the one hand, and, on the other, points in Pennsylvania, under continuing contract with Romco Industries Corp. and its divisions, Yankee Plastics Division; Romco, Inc.; and H and T Sales, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 134740 (Sub-No. 3), filed April 6, 1972. Applicant: JACK BAULOS, INC., 10605 Avenue E, Chicago, IL 60617. 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: (1) *Such merchandise* as is dealt in by retail drugstores, from the warehouse facilities of Dekoven Drug Co., at Elk Grove Village, Ill., to points in Ohio and Oklahoma, and (2) *such merchandise* as is dealt in by retail drugstores and *materials and suppplies*, from points in Ohio, Oklahoma, Indiana, Wisconsin, Tennessee, Nebraska, Texas, and Arkansas, to the warehouse facilities of Dekoven Drug Co., at Elk Grove Village, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 136030 (Sub-No. 2), filed April 14, 1972. Applicant: CAVALIER TRANSPORTATION CO., INC., Post Office Box 7, Riverside, NJ 08075. 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: *Gypsum products* (except in bulk), and *building materials* as described in Appendix VI to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 (except commodities in bulk), from the plantsite of Kaiser Gypsum Co. at Delanco, N.J., to points in Maine, Vermont, New Hampshire, New Jersey, North Carolina, West Virginia, South Carolina, Georgia, and Florida, and on the return, *materials, supplies, and equipment* in connection with manufacture, sale, and distribution of the aforedescribed commodities. 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.

No. MC 136176 (Sub-No. 2), filed April 10, 1972. Applicant: INDEPENDENT TRANSPORTATION, INC., Kanopolis, Kans. 67454. Applicant's representative: Patrick E. Quinn, 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: (1) *Salt, salt products* (except liquid, in tank vehicles), and *materials and supplies* used in salt, agricultural, water treatment, food processing, wholesale grocery and institutional supply industries when shipped in mixed loads with salt and/or salt products, between points in Montana, Wyoming, Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Wisconsin, and Illinois, and (2) *products and commodities* used in the manufacturing, production, and distribution of salt and salt products, from points in Montana, Wyoming, Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, and Illinois, to the plantsite and warehouse facilities utilized by Independent Salt Co. at or near Kanopolis, Kans., all operations to be performed under a continuing contract with Independent Salt Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Topeka, Kans.

No. MC 136183 (Sub-No. 1), filed April 11, 1972. Applicant: JOE COSTA, doing business as TRINIDAD FREIGHT SERVICE, Santa Fe Yards, Trinidad, Colo. 81082. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods, commodities in bulk, dangerous explosives, commodities requiring special equipment, commodities of unusual value, those requiring refrigeration and commodities which are injurious or contaminating to other lading), between points in Las Animas County, Colo., Colfax and Union Counties, N. Mex. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 136268 (Sub-No. 2), filed April 3, 1972. Applicant: WHITEHEAD SPECIALTIES, INC., 1017 Third Avenue, Monroe, WI 53566. Applicant's representative: Michael J. Wyngaard, 125 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Spray dried proteins and protein-fat emulsions from* Belleville, Wis., to points in the United States (except Alaska and Hawaii); (2) *equipment, materials, ingredients, and supplies*, which are used or useful in the manufacture, sale, production, or distribution of the commodities named in part (1) of this application, from the destination territory named in part (1) of this application, to Belleville, Wis.; and (3) *spray dried proteins and protein-fat emulsions* from Delhi, N.Y., to Belleville, Wis. 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 Milwaukee or Madison, Wis.

No. MC 136390 (Sub-No. 1), filed March 31, 1972. Applicant: JOHN B. RUSLING, Box 225, Stephen, MN 56577. Applicant's representative: Arthur A. Drenckhahn, Post Office Box 159, Warren, MN 56762. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel bins, steel buildings, commercial buildings, and motors, augers, aeration equipment, and other equipment related to and a part of these buildings*, from Columbus, Nebr., to points in Minnesota on or west of Minnesota Highway 89 and on or north of U.S. Highway 2, under contract with N. W. Steel, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak.

No. MC 136408 (Sub-No. 5), filed April 10, 1972. Applicant: CARGO CONTRACT CARRIER CORP., Post Office Box 206, U.S. Highway 20, Sioux City, IA 51102. Applicant's representative: William J. Hanlon, 4423 South 67th Street, Omaha, NE 68117. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and 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 (except hides and commodities in bulk), from Emporia, Kans., West Point and Dakota City, Nebr., Luverne, Minn., Denison, Fort Dodge, LeMars, and Mason City, Iowa, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey,

New York, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, Illinois, and the District of Columbia, restricted to traffic originating at the plantsites of and storage facilities utilized by Iowa Beef Processors, Inc., at or near the named origins and further restricted to transportation performed under contract with Iowa Beef Processors, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 136567 (Sub-No. 1), filed April 3, 1972. Applicant: McGRATH INTRASTATE TRUCKING, INC., Rural Delivery 1, Box 169, Medford, NJ 08055. Applicant's representative: Raymond A. Thistle, Jr., Suite 1012, 4 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 to 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 the return of pallets used to transport said commodities, under a continuing contract or contracts with Willis Warehousing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 136603, filed April 3, 1972. Applicant: G. COMEAU TRANSPORTATION CORP., Post Office Box 152, Meteghan (Digby County), NS, Canada. Applicant's representative: Kenneth B. Williams, 111 State Street, Boston, MA 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas*, from Albany, N.Y., to Portland and Bar Harbor, Maine, and ports of entry on the international boundary line between the United States and Canada at or near Calais and Houlton, Maine, restricted to shipments destined to points in Canada, and (2) *waste rags*, from New York, N.Y., and Boston, Mass., to Portland and Bar Harbor, Maine, and ports of entry on the international boundary line between the United States and Canada at or near Calais and Houlton, Maine, restricted to shipments destined to points in Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Portland, Maine.

No. MC 136608, filed April 6, 1972. Applicant: RONALD L. FILLO, doing business as UNIVERSITY BIG "O" TIRES, 2702 Bridgeport Way, Tacoma, WA 98466. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Used autos*, between points in Washington and California, under contract with Carlson's Used Cars, Pacific Avenue Motors, Purple Key Used Cars, Summit Motors, Century Motors Inc., and Mac's Motor Mart Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tacoma or Seattle, Wash.

No. MC 136610, filed April 6, 1972. Applicant: GILBERT CLOTFELTER, doing business as BESTWAY MOVING & STORAGE COMPANY, 1915 North National, Springfield, MO 65803. Applicant's representative: Thomas P. Rose, Jefferson Building, Post Office Box 205, Jefferson City, MO 65101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except commodities in bulk, dangerous explosives, commodities requiring special equipment and commodities injurious or contaminating to other lading), from Joplin, Mo., to points in (a) Benton and Carroll Counties, Ark., (b) Allen, Bourbon, Cherokee, Crawford, Labette, Mont-Nowata, Ottawa, and Rogers Counties, Kans., and (c) Craig, Delaware, Mayes, Notawa, Ottawa, and Roger Counties, Okla., and (2) *damaged merchandise, trade-in merchandise, and rejected shipments*, from the destination counties named in (1) above, to Joplin, Mo., under contract with Montgomery Ward & Co. Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jefferson City or Kansas City, Mo.

No. MC 136611, filed April 6, 1972. Applicant: RED & WHITE MARKET & TRANSFER, INC., 607 South Burlington, Hastings, NE 68901. Applicant's representative: Gailyn L. Larsen, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery and equipment and land rollers*, between Hastings, Nebr., on the one hand, and, on the other, points in South Dakota, Minnesota, Colorado, Iowa, and Kansas; (2) *agricultural machinery, farm implements, and parts thereof, and farm tools*, between Hastings, Nebr., on the one hand, and, on the other, points in Missouri, Oklahoma, and Texas; (3) *farm machinery and parts, farm implements and tools, and wagons and parts*, (a) from Hastings, Nebr., to St. Paul, Minn., Sioux Falls, S. Dak., points in that part of Iowa north of U.S. Highway 6 and west of U.S. Highway 65, and those in that part of Minnesota west of U.S. Highway 65 and south of U.S. Highway 14, including points on the indicated portions of the highways specified, and (b) from St. Paul, Minn., to Algona, Charles City, and Spencer, Iowa, and Omaha, and Hastings, Nebr.; (4) *farm truck bodies*, from Hastings, Nebr., to points in Illinois, Indiana, Kentucky, North Dakota, Wyoming, Montana, Louisiana, Missouri, Oklahoma, Texas, Utah, and Idaho; (5) *lumber, sheet metal, and hardware*, from points in Illinois, Indiana, Kentucky, and Louisana to Hastings, Nebr.; (6) *lumber, aluminum sheet, nuts, bolts, rivets, sheet metal* (formed or unformed), and *rejected shipments* of farm shipments of farm truck bodies, from points in Missouri, Oklahoma, Texas, Utah, and Idaho to Hastings, Nebr.;

(7) *Farm truck body parts*, from Louisville, Ky., to Hastings, Nebr.; (8) *farm machinery and parts*, from Hastings, Nebr., to points in Iowa, Illinois, Missouri, Kansas, Colorado, South Dakota, North Dakota, Minnesota, Wyoming, Montana, and Indiana; (9) *machinery, parts, supplies, and material used in the manufacture of farm machinery*, from points in Iowa, Illinois, Missouri, Kansas, Colorado, North Dakota, South Dakota, Minnesota, Wyoming, Montana, and Indiana, to Hastings, Nebr.; (10) *agricultural and industrial machinery and equipment*, and parts thereof, between Hastings, Nebr., on the one hand, and, on the other, points in Montana, Wyoming Colorado, North Dakota, South Dakota, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Illinois, Indiana, Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, Kentucky, Michigan, Tennessee, North Carolina, South Carolina, Alabama, Georgia, Florida, Mississippi, Louisiana, Arkansas, Wisconsin, Arizona, New Mexico, Nevada, California, Idaho, Utah, Washington, and Oregon; and (11) *Tubing*, from Delta, Ohio, to Hastings, Nebr. NOTE: Applicant holds contract carrier authority under MC 32367, therefore dual operations may be involved. By the instant application applicant seeks to convert the contract authority into common. If a hearing is deemed necessary, applicant requests it be held at Lincoln or Hastings, Nebr.

No. MC 136626, filed April 7, 1972. Applicant: ROY CUTRELL, doing business as CUTRELL TRUCKING COMPANY, 4206 East 13th, Amarillo, TX 79104. Applicant's representative: Grady L. Fox, 222 Amarillo Building, Amarillo, Tex. 79101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gravel, sand, stone, and stone* crushed, between points in Armstrong, Briscoe, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, and Wheeler Counties, Tex.; Chaves, Colfax, Curry, De Baca, Eddy, Guadalupe, Harding, Lea, Quay, Roosevelt, San Miguel, Taos, and Union Counties, N. Mex.; Beaver, Beckham, Cimarron, Custer, Dewey, Ellis, Greer, Harmon, Harper, Jackson, Kiowa, and Major Counties, Okla.; Baca, Bent, Crowley, Las Animas, and Prowers Counties, Colo.; Clark, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearney, Meade, Morton, Seward, Stanton, and Stevens Counties, Kans. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant request it be held at Amarillo, Tex.

No. MC 136627, filed April 5, 1972. Applicant: HENRY B. DENNEY, doing

business as STEAMRACK SERVICE, 1000 Cunningham Drive, Post Office Box 2305, Sioux City, IA 51107. Applicant's representative: Henry B. Denney (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats and packinghouse products*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk). Restriction: Restricted to traffic having a prior or subsequent movement by rail. Between points in Woodbury, Plymouth, and Sioux Counties, Iowa. 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 Sioux City, Iowa.

No. MC 136635 (Sub-No. 2), filed April 17, 1972. Applicant: UNIVERSAL CARTAGE, INC., 4902 West 15th Street, Speedway, IN 46224. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles distributed or dealt in by food distributors or wholesale and retail grocers* (except frozen foods and commodities in bulk), from the plantsite and storage facilities of Hunt-Wesson Foods, Inc., at Indianapolis, Ind., to points in Indiana. 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 Indianapolis, Ind., or Washington, D.C.

MOTOR CARRIER OF PASSENGERS

No. MC 35690 (Sub-No. 3) (Correction), filed March 13, 1972, published in the FEDERAL REGISTER, issue of April 13, 1972, and republished as corrected this issue. Applicant: CENTRAL N.Y. COACH LINES, INC., 66 Calder Avenue, Yorkville, NY 13495. Applicant's representative: James H. Gilroy, Jr., First National Bank Building, Utica, N.Y. 13503. 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 round-trip special operations, consisting of round-trip all expense sightseeing or pleasure tours, beginning and ending at Utica and Rome, N.Y., and extending to points in Vermont, New Hampshire, Maine (including points on the international boundary line between the United States and Canada in such States), North Carolina, South Carolina, Georgia, Florida, West Virginia, Tennessee, Mississippi, Alabama, and Louisiana. NOTE: The purpose of this republication is to correctly set forth the authority requested. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Utica or Syracuse, N.Y.

APPLICATION FOR BROKERAGE LICENSE

No. MC 130168, filed April 3, 1972. Applicant: ROBERT L. DUNIHUE, doing business as SCHOOL SPORT TOURS, 84 Circle Drive West, Aurora, IL 60538. For a license (BMC 5) to engage in operations as a *broker* at Aurora, Ill., in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of *passengers and their baggage*, in groups, beginning and ending at points in Kane, Will, Du Page and Kendall Counties, Ill., and extending to points in Wisconsin and Michigan.

By the Commission.

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

[FR Doc.72-7109 Filed 5-10-72;8:45 am]

# OVERSEAS PRIVATE INVESTMENT CORPORATION

## OWEN O. MOBLEY AND MICHAEL COOPER

### Appointments and Redelegation of Authority

Redelegation of authority from the president, Overseas Private Investment Corporation, regarding exercise of the authority of a contracting officer pursuant to title III of the Federal Property and Administrative Services Act (41 U.S.C. secs. 251, et seq.) and the Federal Procurement Regulations (41 CFR).

1. Pursuant to the authority delegated to me by the Board of Directors of the Overseas Private Investment Corporation through its duly adopted bylaws, I hereby appoint Owen O. Mobley a Contracting Officer and redelegate to him authority to enter into and administer contracts pursuant to title III of the Federal Property and Administrative Services Act (41 U.S.C. sec. 251 et seq.) and the Federal Procurement Regulations (41 CFR) and make related determinations and findings.

2. I appoint Michael Cooper a contracting officer with full authority as set forth in paragraph 1, above, to act and fulfill said functions during the absence or nonavailability of Owen O. Mobley and as otherwise directed.

3. This redelegation is effective as of the date hereof and shall continue until further notice. The authority herein conferred may not be redelegated.

Dated: May 2, 1972.

BRADFORD MILLS,
*President.*

[FR Doc.72-7121 Filed 5-10-72;8:45 am]

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THURSDAY, MAY 11, 1972
WASHINGTON, D.C.

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PART II


# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Office of Education

■

## Financial Assistance to Meet the Special Educational Needs of Educationally Deprived Children

## Criteria for Special Grants

# Title 45—PUBLIC WELFARE

## Chapter I—Office of Education, Department of Health, Education, and Welfare

## PART 116—FINANCIAL ASSISTANCE TO MEET THE SPECIAL EDUCATIONAL NEEDS OF EDUCATIONALLY DEPRIVED CHILDREN

### Criteria for Special Grants

Notice of proposed rule making was published in the FEDERAL REGISTER on September 15, 1971 (36 F.R. 18500), setting forth certain requirements and provisions for programs under title I of the Elementary and Secondary Education Act of 1965.

1. No comments were received concerning the proposed amendments implementing Parts B and C of title I (§§ 116.8, 116.9(e), and 116.10). Therefore, those amendments are hereby adopted as proposed, and shall become effective on the date of their publication in the FEDERAL REGISTER (5–11–72).

2. Comments were received with respect to the proposal on selection of attendance areas (§ 116.17(d)) and possible modifications to that proposal are now being considered. The proposed revisions to § 116.17(d), therefore, are not adopted at this time.

Dated: March 31, 1972.

S. P. MARLAND, Jr.,
*U.S. Commissioner of Education.*

Approved: May 4, 1972.

ELLIOT L. RICHARDSON,
*Secretary of Health, Education, and Welfare.*

1. Section 116.8 is revised to read as follows:

**§ 116.8 Special incentive grants.**

(a) Any State of the Union (including the District of Columbia) shall be entitled to receive a grant under part B of title I of the Act if, for the second fiscal year preceding the fiscal year for which such grant is available, that State had an effort index (as defined in paragraph (b) of this section) exceeding the national effort index for such second preceding fiscal year. The maximum amount of the grant to an eligible State under such part B shall be equal to $1 for each 0.01 percent by which its effort index for the second preceding fiscal year exceeded the national effort index for that year multiplied by the total number of children counted for the purpose of computing entitlements of local educational agencies within such State (including State agencies directly responsible for providing free public education for handicapped children, for children in institutions for neglected or delinquent children) and of State educational agencies for programs for migratory children of migratory agricultural workers under part A of title I of the Act for the current fiscal year. Ratable reductions of such maximum amounts shall be made in accordance with § 116.9(e). No State, however, shall be entitled to more than 15 percent of the total amount made available for said part B.

(b) For the purpose of this section, "effort index" means the ratio of expenditures from all non-Federal sources in a State for public elementary and secondary education to the total personal income in that State, expressed to the nearest hundredth of 1 percent. The term "national effort index" means the ratio of such expenditures to the total personal income in the 50 States of the Union and the District of Columbia. Funds from non-Federal sources include funds derived from title I of Public Law 81–874, and other Federal funds, for the expenditure of which there is no accountability to the Federal Government.

(c) An incentive grant under this section will be made to a State upon application therefor by the State educational agency to the Commissioner submitted not more than 30 days after the date on which the Commissioner notifies the State educational agency of the State's eligibility for such grant and the amount thereof, or by the end of the fiscal year, whichever occurs earlier. Such an application shall include information concerning the policies and procedures to be used in selecting the local educational agencies which will receive incentive grant funds and the amounts of such assistance. Such information shall be presented in detail sufficient to assure the Commissioner that incentive grant funds will be made available to local educational agencies with the greatest need for assistance and in amounts corresponding to their respective needs. Such policies and procedures shall take into account factors appropriate for those purposes, such as the amounts available to local educational agencies under parts A and C of said title I; the number and percentage of children from low-income families in the several school districts; the number and percentage of such children not otherwise being served under said title I; any sudden influx in the number of such children; drop-out rates; the incidence and severity of special educational needs as indicated by test scores or other measures; the availability of funds from other sources for programs for educationally deprived children; and local fiscal effort.

(d) Incentive grant funds shall be made available only to those local educational agencies whose fiscal effort with regard to public elementary and secondary education is at least equal to the average fiscal effort in that regard by local educational agencies in that State, as determined by the State educational agency. Incentive grant funds shall be made available to a limited number of local educational agencies for specific projects which the State educational agency deems to be innovative or which show special promise of substantial success through the modification or revision of existing title I programs; which are of sufficient size, scope, and quality as required by § 116.18; which include performance criteria to be used in connection with the evaluation of such projects; and which otherwise meet the requirements for projects under part A of said title I.

(e) The availability of special incentive grants to a State will not affect the amount to be paid to a State educational agency for administration and technical assistance to local educational agencies as provided in § 116.22.

(20 U.S.C. 241d, 241d–1, 241d–2)

2. In § 116.9, new paragraph (e) is added to read as follows:

**§ 116.9 Ratable reductions and reallotments.**

* * * * *

(e) If the sums appropriated for any fiscal year ending prior to July 1, 1972, for making the payments provided in title I of the Act exceed $1,396,975,000 but are not sufficient to pay in full the total amounts which all local and State educational agencies are eligible to receive under said title I for such year, the excess of such sums above $1,396,975,000 will be allocated in accordance with this paragraph. Such excess will be allocated ratably toward: (1) The amounts which local educational agencies are eligible to receive pursuant to section 103(a)(2) of such title and which will not be paid by allocation of such $1,396,975,000; (2) the amounts which State educational agencies are eligible to receive under part B of title I; (3) the amounts which local educational agencies are eligible to receive under part C of such title (except that the allocation with respect to such amounts under part C may not exceed 15 percent of such excess); and (4) the additional amounts which State educational agencies are eligible to receive for administration and technical assistance not in excess of 1 percent of the sums allocated under subparagraphs (1) and (3) of this paragraph, but only to the extent that such sums would result in increases in allocations for administration and technical assistance above the applicable minimum specified in § 116.33(c).

3. A new § 116.10 is added to read as follows:

**§ 116.10 Additional grants for local educational agencies in urban and rural areas having the highest concentrations of children from low-income families.**

(a) A local educational agency which is eligible for a basic grant for a fiscal year the maximum amount of which is determined pursuant to section 103(a)(2) of title I of the Act and § 116.3 shall be eligible for an additional grant under section 131(a)(1) of that title for that fiscal year if,

(1) The total number of children described in subparagraphs (1), (2), (3), and (4) of § 116.3(a) determined (in accordance with paragraph (c) of this section), to be in the school district of that agency (hereinafter "title I formula children") for that fiscal year is at least 20 percent of the total number of children,

aged 5 to 17, determined to be residing in that school district for that fiscal year, or

(2) The total number of title I formula children so determined to be in that school district for that year is (i) at least 5,000 and (ii) 5 percent of the total number of children, aged 5 to 17, determined to be residing in that school district for that fiscal year. Subject to the last sentence of this paragraph, the maximum amount of an additional grant for which a local educational agency is eligible under this paragraph for a fiscal year shall be 40 percent of the maximum amount of the basic grant of that agency for that year determined under § 116.3 (a). If the aggregate amount of the maximum additional grants for which all local educational agencies are eligible under this paragraph for a fiscal year exceeds 15 percent of the difference between $1,396,975,000 and the total amount of the maximum grants for which all State and local educational agencies are eligible under title I of the Act for that year, the maximum amount of such additional grant of each local educational agency under this paragraph shall be ratably reduced until such aggregate constitutes 15 percent of such difference.

(20 U.S.C. 241d–11(a)(1), (b)(1))

(b) A local educational agency described in paragraph (a) of this section, which is not eligible for an additional grant under that paragraph by virtue of computations in accordance with paragraphs (a)(1) and (2) of this section shall nevertheless be eligible for an additional grant under section 131(a)(2) of title I of the Act for a fiscal year if—

(1) The agency would be eligible for an additional grant under paragraph (a) of this section for that year if there were in the school district of such agency an increase of not more than 5 percent in the number of title I formula children determined for the purposes of paragraph (a)(1) or (2) of this section; and

(2) The appropriate State educational agency determines that the local educational agency has an urgent need for such additional grant in order to meet the special educational needs of educationally deprived children in its school district, and accompanies such certificate with a statement of the criteria upon which it is based, including such factors as (i) the presence in the school district of substantial numbers of educationally deprived children who have recently taken residence in the district, and (ii) the exertion by such agency of a local fiscal effort in relation to local revenue sources which is exceptional when compared with the local fiscal efforts of other local educational agencies in the State. The maximum amount of an additional grant for which a local educational agency is eligible under this paragraph for a fiscal year shall not exceed 40 percent of the maximum amount of the basic grant of such agency for that year determined under § 116.3. The total amount available for additional grants under this paragraph for a fiscal year, however, may not exceed 5 percent of the amount available for additional grants under paragraph (a) of this section for that year.

(20 U.S.C. 241d–11(a)(2), (b)(2))

(c) For the purpose of determining the eligibility of a local educational agency for an additional grant under paragraph (a) or (b) of this section, in the absence of more satisfactory data for determining the number of children described in § 116.3(a) with respect to such agency, that number may be computed by dividing (1) the maximum basic grant under part A of title I of the Act for which the agency was determined to be eligible under § 116.4 (relating to the allocation of county aggregate maximum grants by State educational agencies) for the fiscal year preceding the fiscal year for which the determination under paragraph (a) or (b) of this section is to be made, by (2) the Federal percentage of the per pupil expenditure applicable to the determination of such basic grant. In making determinations under this section (including determinations with respect to the total number of children in the school district of a local educational agency for a fiscal year and determinations of maximum basic grants for the purposes of the preceding sentence), the Commissioner is authorized to use the most recent satisfactory data made available to him by the appropriate State educational agency. The submission of such data shall be accompanied by a certification of the appropriate State official that such data are true, complete, and correct to the best of his knowledge and belief. Data furnished in accordance with section 103(d) of title I of the Act may be used in making determinations under this section.

(20 U.S.C. 241d–11(d))

(d) An additional grant to a local educational agency under this section shall be used solely for programs and projects designed to meet the special educational needs of educationally deprived children in preschool programs, in elementary schools, or (to the extent permitted under paragraph (e) of this section) in secondary schools, which preschool programs or elementary or secondary schools serve school attendance areas having the highest concentrations of children from low-income families in the school district of that agency. A school attendance area may be designated as having such a concentration (1) if the estimated percentage of children from low-income families residing in that attendance area is higher than the average percentage of such children residing in the several school attendance areas which are eligible to be designated as project areas under § 116.17(d) or (2) if the estimated number of children from low-income families residing in that attendance area is larger than the average number of such children residing in the several school attendance areas in the district which are eligible to be designated as project areas under § 116.17(d).

(20 U.S.C. 241d–12(a))

(e) Funds granted under this section may be used for secondary school projects if the applicant local educational agency and the State educational agency jointly determine that the needs of the local educational agency for a program for secondary schoolchildren are more urgent than the needs in the area for preschoolchildren or elementary schoolchildren, as indicated by such factors as (1) the availability of other funds for preschool and elementary school programs, (2) exceptionally high dropout rates in the secondary schools, (3) the availability of employment opportunities for which educationally deprived secondary schoolchildren could be trained, and (4) a special need for programs for delinquent and delinquent-prone children of secondary school age. The State educational agency shall not, however, approve such a program unless the local educational agency further demonstrates, by the objectives and methods set forth in its proposal, that a secondary school program is likely to be at least as effective in achieving the purposes of title I of the Act as would a program for preschool or elementary schoolchildren in the same area.

(20 U.S.C. 241d–12(d))

(f) Unless already contained in the application of a local educational agency for a basic grant under part A of title I of the Act, the application of such agency for an additional grant under paragraph (a) or (b) of this section shall contain a comprehensive plan for meeting the special educational needs of the children to be served by such additional grants. Such plan shall include—

(1) A description of the programs or projects to be carried out by the local educational agency to meet such needs in sufficient specificity and detail to enable the State educational agency to determine (i) that such programs or projects have been planned and adopted after thorough consideration of alternative strategies for meeting such needs, and (ii) that such programs and projects, including those to be provided with assistance under all parts of title I of the Act, are likely to be sufficiently effective in meeting such needs to result in measurably improving the educational achievement of such children, taking into account such factors as the type, intensity, and variety of services to be offered;

(2) Provisions setting forth the specific objectives of such plan;

(3) The procedures and performance criteria, including objective measurements of educational achievement, that will be used to evaluate, at least annually, the extent to which the objectives of the plan have been met.

(20 U.S.C. 241e(a)(13))

(g) An application for an additional grant under this section shall, in addition to meeting the requirements of this

section, be subject to all applicable requirements in subpart C with respect to applications for grants under title I of the Act by a local educational agency (other than a State agency directly responsible for providing free public education for handicapped children or for children institutions for neglected or delinquent children). No such application may be approved by a State educational agency unless such agency makes the determinations required by subdivisions (i) and (ii) of paragraph (f)(1) of this section in addition to such other determinations as may be required under this part.

(20 U.S.C. 241d–12(f))

(h) For purposes of this section the number of children counted for purposes of computing eligibility under title I of the Act and the total number of children, aged 5 to 17, in the school district shall, in the case of overlapping school districts as referred to in § 116.6, be deemed to be children in the school district of the local educational agency serving the lowest grades.

(20 U.S.C. 241d–11, 241d–12)

(i) For the purpose of this section the term "State" means the 50 States and the District of Columbia.

(20 U.S.C. 241d–11(c))

[FR Doc.72–7158 Filed 5–10–72,8:48 am]

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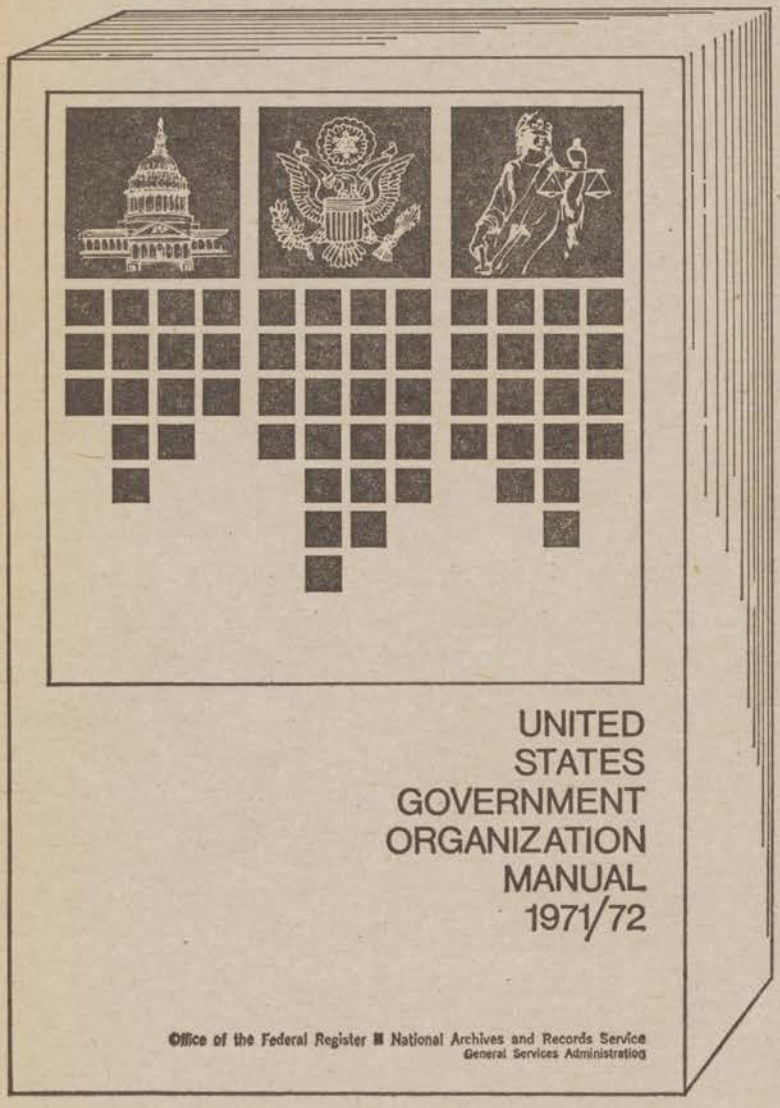


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