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Title 3—The President

PROCLAMATION 4134

Mother's Day, 1972

By the President of the United States of America

A Proclamation

There is a story about a little girl who said to her mother, in one of those bursts of exaggeration that children sometimes have, "Mama, I am nearer to you than I am to Papa." Her mother asked what she meant by such a strange remark. "Why," her daughter replied, "I am your own little girl, but I am only related to papa by marriage."

The point seems to survive a child's exaggeration. In fact, where mothers are concerned most of us always retain something of that same feeling. A mother's gift of life and love often are the animating spirit of a family. And it has been the family which has passed on to future generations the values which have fashioned our Nation's progress over the years.

In 1972, we honor mothers for these contributions and more. In addition to the vital force they have always represented in family life, many mothers are now finding greater opportunities to pursue careers outside the home. In the home and outside the home they make a special contribution to the vitality and spirit of America.

Fifty-eight years ago, Woodrow Wilson proclaimed the second Sunday of May as the special day to honor our mothers, calling upon the American people to make "a public expression of our love and reverence for the mothers of the country."

The Congress, by a joint resolution of May 8, 1914, has set aside the second Sunday of May of each year as a day in which we honor all mothers for their countless contributions to their own families, to their communities, and to the Nation.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby request that Sunday, May 14, 1972, be observed as Mother's Day; and I direct appropriate officials of the Government to display the flag of the United States on all Government buildings.

I urge the people of the United States to show their reverence and respect for the mothers of this country by special expressions of affection and gratitude.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh 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.72-7416 Filed 5-11-72;4:30 pm]

Rules and Regulations

Title 4—ACCOUNTS

Chapter III—Cost Accounting Standards Board

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PART 351—BASIC REQUIREMENTS

PART 400—DEFINITIONS

PART 401—COST ACCOUNTING STANDARD—CONSISTENCY IN ESTIMATING, ACCUMULATING, AND REPORTING COSTS

PART 402—COST ACCOUNTING STANDARD—CONSISTENCY IN ALLOCATING COSTS INCURRED FOR THE SAME PURPOSE

Effective Dates

On February 29, 1972, Cost Accounting Standards, rules, and regulations of the Cost Accounting Standards Board were published in the FEDERAL REGISTER (37 F.R. 4139 et seq.).

The following sections, which were reserved to provide for effective dates, are supplemented as shown below:

§ 400.2 **Effective date.**

July 1, 1972.

§ 401.80 **Effective date.**

July 1, 1972.

§ 402.80 **Effective date.**

July 1, 1972.

The effective dates of the regulations at Part 331 and Part 351 of Title 4, Code of Federal Regulations, are confirmed as July 1, 1972.

(84 Stat. 796, sec. 103; 50 U.S.C. App. 2168)

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.72-7339 Filed 5-12-72;8:50 am]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 733—POLITICAL ACTIVITY OF FEDERAL EMPLOYEES

To show clearly what part of Part 733 applies to the U.S. Postal Service, § 733.401 is amended as set out below.

§ 733.401 **Jurisdiction.**

Sections 733.101 (c), (d), (e), and (f), and 733.124 apply to an employee of the U.S. Postal Service. By agreement with this agency, the Civil Service Commission investigates and adjudicates an allegation of political activity in violation of these sections by a covered agency employee.

(5 U.S.C. 1308, 3301, 3302, 7301, 7324, 7325, 7327, 42 U.S.C. 2729, E.O. 10577; 3 CFR, 1954–1958 Comp.)

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

[FR Doc.72-7261 Filed 5-12-72;8:47 am]

Title 7—AGRICULTURE

Chapter II—Food and Nutrition Service, Department of Agriculture

[Amdt. 9]

PART 220—SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS AND STATE ADMINISTRATIVE EXPENSES

School Eligibility Criteria and Reimbursement Rates

On February 26, 1972, there was published in the FEDERAL REGISTER (37 F.R. 4091) a notice of proposed rule making to amend the regulations governing the operation of the School Breakfast and Nonfood Assistance Programs (7 CFR Part 220). Responses to the proposed regulations were received from 42 individuals and organizations. The principal comments, recommendations, and suggestions submitted and the changes made from the proposed amendments published on February 26 are discussed below:

1. *Section 220.2 Definitions.* Five respondents recommended revisions in the proposed definition of the "cost of obtaining food." The definition, however, is consistent with the definition of "food costs" as set forth in section 4(c) of the Child Nutrition Act of 1966 and is the same definition that has been used for a number of years in the regulations governing the operation of the National School Lunch Program (7 CFR Part 210). Some respondents suggested that the "cost of obtaining food" should include labor costs incurred in the preparation of food in a breakfast program. Under the Act, costs of preparing food may be included only by schools in need of assistance in meeting the operating costs of their breakfast programs.

Three respondents objected to the definition of "participation rate" used in the proposed amendments to the regulations. Section 4 of the Child Nutrition Act provides that a portion of the funds appropriated for the School Breakfast Program shall be apportioned to States under a formula prescribed in section 4 of the National School Lunch Act. That formula uses "participation rate" as one of its factors, and the definition of the term "participation rate" set forth in section 12 of the National School Lunch Act refers to lunches. Three respondents took exception to the definition of "reduced price breakfast" and thought such breakfasts should be eliminated. The Child Nutrition Act, as amended, clearly contemplates that breakfasts may be served at reduced prices, although they are to be served free to the neediest children. Any State agency or school may eliminate reduced price breakfasts and serve only free meals to those children unable to pay the price of the breakfast established by the school.

There were also three respondents who recommended a clarification of the definition of "school," particularly with respect to eligibility of Headstart and Followthrough programs. Since the definition of "school" used in Part 220 parallels the definition of "school" used in Part 210 for the National School Lunch program, no change has been made. Under that definition, Headstart, Followthrough, and other such programs for children in pre-primary, primary, or secondary grades are included in the definition of "school" for purposes of the School Breakfast Program if such programs are conducted in a school having classes of primary or higher grade, or when they are recognized as a part of the educational system in the State.

A few respondents thought that the definition of "School Food Authority" needed clarification, especially as related to delegations of authority for operating a breakfast program. Since this term directly parallels the National School Lunch Program regulations, it was determined that using a different definition in the School Breakfast Program was impractical.

2. *Section 220.7 Requirements for participation.* The wording of paragraphs (a) and (a–1) of § 220.7 has been revised to take into account questions or comments submitted by 11 respondents. In the final regulations, it is made clear that schools participating in the School Breakfast Program shall, in the service of free and reduced price breakfasts observe all of the terms and conditions required of schools in the service of free and reduced price lunches. Language changes have also been made to make it clear that schools that apply for, or receive, Federal assistance authorized under Parts 210, 220, or 250 or this chapter may submit one free and reduced price policy statement for its lunch and breakfast programs. In addition, language changes have been made in paragraph (a–1) of § 220.7 to make it applicable to schools which receive only commodity assistance for their school lunch programs.

In the proposed regulations, paragraph (b) of § 220.7 was revised to provide that applications for the School Breakfast Program should include data to determine whether the school falls within one of the three classifications of schools to which first consideration for participation is to be given under the enabling legislation. Fifteen respondents objected to the amount of information required or pointed out that the requested data might not be available. In the final regulations, this paragraph provides that a School Food Authority need submit the specified data only if it seeks first consideration of its application because its school is one to be accorded priority consideration. A few respondents indicated it would be difficult for State agencies to select schools for the breakfast program based on the classifications set forth in paragraph (c) of § 220.7. Since the priorities for considering applications for the program are established in the authorizing legislation and since they have previously appeared in program regulations, no change was made in this paragraph.

Three respondents objected to the requirement in paragraph (f) of § 220.7 that where a school serves children from both public and private schools, in a State in which FNSRO administers the program in private schools, the school food authorities of the private school and of the public school respectively, shall file separate claims for the children from their respective schools. The Act requires the Department to withhold a share of breakfast funds apportioned to any State for reimbursement of breakfasts served to children attending nonprofit private schools and to administer the program in such States. if the State agency cannot administer the breakfast program with respect to such schools. Agreements with the nonprofit private schools are entered into by FNSRO on behalf of the Department, while agreements with the public schools are entered into by the State agency. Separate agreements and claims are needed in order to assure that both the public and private schools comply with the free and reduced price meal provisions and other requirements of the program, even though the meals are served in only one of the schools but to children from both schools. The claims submitted for each such school must reflect the number of breakfasts served to their respective participating children. This is consistent with the procedure followed in the school lunch program.

3. *Section 220.9 Reimbursement payment.* Fourteen respondents thought that the proposed rates of reimbursement in paragraph (b) were too low. Some respondents believed that reimbursement ought to cover labor costs in the breakfast program. Others recommended that a uniform rate of reimbursement be continued—some suggesting that such rate be increased. The effect of a higher uniform rate would be to produce revenues from paid and reduced price breakfasts to finance labor and other costs. These comments apparently are based on a misunderstanding of the enabling legislation with respect to reimbursement rates. Section 4(c) of the Child Nutrition Act of 1966 does not permit States to reimburse schools which are approved for the program at standard rates of reimbursement, for the cost of preparation of foods used in their breakfast programs. No change has been made in this paragraph.

A number of respondents recommended increasing the maximum rate of reimbursement set forth in paragraph (b–1) for free breakfasts served in an especially needy school approved for assistance of up to 100 percent of operating costs. An increase in this maximum rate has been made to permit reimbursement of 30 cents for each free breakfast served in an especially needy school. In addition, six respondents recommended a clarification of this paragraph particularly with respect to the terms "especially needy school" and "effective utilization of commodities." It was determined that without further experience it would not be practical to define especially needy school more specifically. A clarifying change was made with respect to the use of donated commodities.

A number of respondents questioned the provisions of proposed paragraphs (b–2) and (b–3) of § 220.9, which parallel provisions in the regulations governing the operation of the National School Lunch Program. It appeared that a number of the respondents believed that these provisions required that rates of reimbursement be initially assigned, and subsequently adjusted, within their apportioned share of any funds available for the School Breakfast Program, even if other program funds were authorized for distribution to States. Language changes have been made in the final regulations to clarify the intent that all available funds are to be considered by the States in assigning rates of reimbursement.

In paragraph (c), four respondents objected to the exclusion of labor cost from "cost of obtaining food". As indicated under the explanation of comments on paragraph (b) of this section, the law does not permit the payment of reimbursement for labor costs incurred in breakfast programs approved at the standard rates of reimbursement.

4. *Section 220.11 Reimbursement procedure.* With respect to paragraph (b), five respondents objected to what they considered duplication of data on the claim, application, and agreement forms. Some indicated a clarification was necessary, particularly of data that must be reported monthly and that which may be reported semiannually. A new paragraph (d) paralleling the provisions of § 210.13 (d) of the National School Lunch Program regulations has been added to clarify what data are to be reported semiannually. It was also pointed out that in submitting claims the School Food Authority of an especially needy school approved for financial assistance of up to 100 percent of operating cost was not required to report the cost of providing a breakfast. The latter item has been added under paragraph (b) for claims submitted for an especially needy school.

Paragraph (c) has been revised in the final regulations to make clear that School Food Authorities of schools participating in either the Special Milk Program or in the National School Lunch Program as well as in the School Breakfast Program may submit one Claim for Reimbursement form, covering the income and expenditures incident to all programs.

Five respondents submitted comments on the new authority to advance funds as set forth in the proposed paragraph (d) of § 220.11. In the revised regulations, this paragraph has been relettered (e) and its provisions have been expanded to insure that School Food Authorities to whom funds are advanced continue to make timely submissions of monthly claims for reimbursement. In addition, to better insure that State Agencies or Regional Offices of the Food and Nutrition Service do not advance funds in excess of the amount of reimbursement that will be earned in a fiscal year, any advances covering the month of April in a fiscal year are subjected to certain prescribed conditions.

5. *Section 220.16 Requirements for participation.* Seven respondents thought that the information required in paragraph (a) on the application for Nonfood Assistance funds was too detailed. This paragraph has been revised in the final regulations to make it clear that the language contained in subparagraph (1) represents examples of the types of data that may be used to establish that the school draws its attendance from areas in which poor economic conditions exist. If a school participates in the National School Lunch Program or the School Breakfast Program it may use data on the percentage of children receiving free and reduced price meals to establish that its attendance is drawn from areas in which poor economic conditions exist.

6. *Section 220.24 Special responsibilities of State agencies.* One respondent objected to each School Food Authority having to file a separate free and reduced price policy statement for its lunch program and for its breakfast program. The language of this paragraph has been clarified to permit the submission of policy statements in accordance with the provisions of paragraph (a) of § 220.7. Paragraph (a) of § 220.7 permits a school participating in the National School Lunch Program and in the School Breakfast Program to use the same free and reduced price policy statement for both programs.

7. *Section 220.28 Other provisions.* Seven respondents objected to the Department making any changes, not required by law, in the School Breakfast Program regulations which would increase food costs or decrease maximum reimbursement rates, unless such changes are made effective at the beginning of a fiscal year. This section is essentially the same as the comparable provision in the regulations governing the National School Lunch Program. It is believed that 60 days' notice of any such changes is sufficient to enable schools to make any necessary adjustments. In addition, where time permits, the Department will follow the proposed rule

making procedure, in which event schools will have an opportunity to comment on the changes before they are finally issued.

Accordingly, the School Breakfast Program regulations are amended as follows:

1. In § 220.2, paragraph (b) is revoked, paragraphs ((f) and (o) are revised, new paragraphs (i–1), and (o–1) are added, paragraph (q) is revised, and a new paragraph (q–1) is added, as follows:

§ 220.2 Definitions.

* * * * *

(b) [Revoked]

* * * * *

(f) "Cost of obtaining food" means the cost of obtaining agricultural commodities and other food for consumption by children during any fiscal year. Such costs may include, in addition to the purchase price of agricultural commodities and other food, the cost of processing, distributing, transporting, storing, or handling any food purchased for, or donated to, the School Breakfast Program.

* * * * *

(i–1) "Free breakfast" means a breakfast for which neither the child nor any member of his family pays or is required to work in the school or in the school's food service.

* * * * *

(o) "Participation rate" means a number equal to the number of lunches meeting the minimum requirements prescribed for a Type A lunch in § 210.10 of this chapter served in the fiscal year beginning 2 years immediately prior to the fiscal year for which the funds are appropriated, by schools participating in the National School Lunch Program, as determined by the Secretary.

(o–1) "Reduced price breakfast" means a breakfast which meets all of the following criteria: (1) The price shall be less than the full price of the breakfast, (2) the price shall not exceed 10 cents, and (3) neither the child nor any member of his family shall be required to supply an equivalent value in work for the school or the school's food service.

* * * * *

(q) "School" means an educational unit of high school grade or under operating under public or nonprofit private ownership in a single building or complex of buildings and, with respect to Puerto Rico, also includes a nonprofit child-care center certified as such by the Governor of Puerto Rico. The term "high school grade or under" includes classes of preprimary grade when they are conducted in a school having classes of primary or higher grade, or when they are recognized as a part of the educational system in the State, regardless of whether such preprimary grade classes are conducted in a school having classes of primary or higher grade.

(q–1) "School Food Authority" means the governing body which is responsible for the administration of one or more schools and which has the legal authority to operate a breakfast or a lunch program therein. The term "School Food Authority" also includes a nonprofit agency to which such governing body has delegated authority for the operation of a breakfast or a lunch program in a school.

* * * * *

2. In § 220.4, paragraph (a) is revised, as follows:

§ 220.4 Apportionment of funds to States.

(a) Except when otherwise authorized by law, any Federal funds made available for the purposes of section 4 of the Act for any fiscal year shall be apportioned among the States in accordance with the provisions of section 4 of the Act.

* * * * *

3. Section 220.5 is amended to delete the word "schools" in the second and fifth sentences and substitute in lieu thereof the words "School Food Authorities". The first sentence of this section is revised, as follows:

§ 220.5 Payments to States.

Funds apportioned or allocated to any State for the School Breakfast Program, except funds withheld for nonprofit private schools, shall be made available by means of Letters of Credit issued by FNS to appropriate Federal Reserve Banks in favor of the State Agency. * * *

§ 220.6 [Amended]

4. Section 220.6 is amended to delete the word "schools" and substitute in lieu thereof "School Food Authorities".

5. In § 220.7, paragraph (d) is amended to delete the word "school" wherever it appears and to substitute in lieu thereof the words "School Food Authority"; and to delete the words "attendance units" and substitute therefor the word "schools"; and paragraphs (a), (a–1), (b), (c), the opening sentence of paragraph (e), subparagraph (4) and subdivision (i)(b) of subparagraph (12) of paragraph (e), and the second sentence of paragraph (f) are revised, as follows:

§ 220.7 Requirements for participation.

(a) The School Food Authority shall make written application to the State Agency, or FNSRO where applicable, for any school in which it desires to operate the School Breakfast Program, if such school did not participate in the Program in the prior fiscal year. The School Food Authority shall also submit for approval, either with the application or at the request of the State agency, or FNSRO where applicable, a free and reduced price policy statement in accordance with Part 245 of this chapter. A School Food Authority which simultaneously makes application for the National School Lunch Program and the School Breakfast Program shall submit one free and reduced price policy statement which shall provide that the terms, conditions, and eligibility criteria set forth in such policy statement shall apply to the service of free and reduced price lunches and to the service of free and reduced price breakfasts. If, at the time application is made for the School Breakfast Program, a School Food Authority has an approved free and reduced price policy statement on file with the State agency, or FNSRO where applicable, for the National School Lunch Program, it need only confirm in writing that such approved policy statement will also apply to the operation of its School Breakfast Program. Applications for the School Breakfast Program shall not be approved in the absence of an approved free and reduced price policy statement.

(a–1) A school which also either participates in the National School Lunch Program or only receives donations of commodities for its nonprofit lunch program under the provisions of Part 250 of this chapter (commodity only school) shall apply the same set of eligibility criteria so that children who are eligible for free lunches shall also be eligible for free breakfasts and children who are eligible for reduced price lunches shall also be eligible for reduced price breakfasts.

(b) Applications shall include the name and address of the School Food Authority and of each school in which the School Breakfast Program will be operated, and the following information with respect to each such school: (1) The planned beginning date of breakfast service under the program; (2) the estimated average daily enrollment; (3) the full breakfast price to be charged and the reduced price to be charged children eligible for reduced price breakfasts; (4) if the school is not participating in the National School Lunch Program, the estimated number of children in such school who will be eligible for free and reduced price breakfasts under the eligibility standards proposed in the free and reduced price policy statement submitted for approval. The application shall also include such information as is necessary to determine which of the schools included in the application should be given first consideration under the provisions of paragraph (c) of this section. If the School Food Authority seeks first consideration for a school because such school draws its attendance from areas in which poor economic conditions exist, the application shall include data demonstrating that poor economic conditions exist. If the school is already participating in the National School Lunch Program, the percentage of its enrollment receiving free and reduced price lunches will be an indicator of the economic conditions of the area from which it draws its attendance. If the school is not participating in the National School Lunch Program at the time it makes application for the School Breakfast Program, the School Food Authority shall submit such data as is available to demonstrate the poor economic conditions of the area, such as its location within a Model City target area, the number and size of public housing projects which are located within the area or the proportion of families living within the area who receive welfare assistance. If the School Food Authority seeks first consideration for a school be-

cause substantial proportions of the children enrolled must travel long distances daily, the application shall include data to show the percentage of children whose travel time is between 30 minutes and 1 hour and the percentage of children whose travel time to school exceeds 1 hour. If the School Food Authority seeks first consideration for a school because there is a special need for improving the nutrition and dietary practices of children of working mothers and children from low-income families, the application shall include data on the percentage of the mothers of enrolled children who are engaged in work outside the home, the percentage of families whose children meet the school's eligibility criteria for free or reduced price breakfasts or the percentage of the school's average daily enrollment receiving free or reduced price lunches, and available data concerning the nature and the extent of the special need to improve the nutrition and dietary practices as reflected in surveys or other evaluations of the nutritional status, the food consumption patterns, or the food habits of the children from low-income families eligible for breakfast free or at a reduced price and from families with mothers who work outside the home. If the application requests that the school be determined to be an especially needy school under paragraph (b–1) of § 220.9, it must be accompanied by data which will permit the State Agency, or FNSRO where applicable, to make the required determinations.

(c) In selecting schools for participation, the State agency, or FNSRO where applicable, to the extent practicable shall utilize the information supplied by the School Food Authorities to provide first consideration to those schools drawing attendance from areas in which poor economic conditions exist, to those schools to which substantial proportions of the children enrolled must travel long distances daily, and to those schools in which there is a special need for improving the nutrition and dietary practices of children of working mothers and children from low income families. If sufficient funds are available, consideration shall be given to other schools.

* * * * *

(e) Each School Food Authority for schools selected for participation in the School Breakfast Program shall enter into a written agreement with the State Agency on a form approved by FNSRO, or, in those States in which FNSRO administers the breakfast program with respect to nonprofit private schools, each School Food Authority for such private schools shall enter into a written agreement with the Department. Such agreements shall provide that the School Food Authority shall, with respect to participating schools under its jurisdiction: * * * (4) supply breakfasts without cost or at reduced price to all children who are determined by the School Food Authority to be unable to pay the full price thereof in accordance with the free and reduced price policy statements approved under Part 245 of this chapter; * * * (12) * * *

(i) * * *

(b) Daily number of breakfasts served free and daily number of breakfasts served at a reduced price to children meeting the school's approved eligibility standards.

* * * * *

(f) * * * The School Food Authority of the school in which the breakfast program is operated may request reimbursement in connection with all the breakfasts served, except that, where such school serves children from both public and nonprofit private schools in a State where FNSRO administers the School Breakfast Program with respect to nonprofit private schools, the School Food Authority of the public school shall file a separate claim with the State agency and the School Food Authority of the private school shall file a separate claim with FNSRO for breakfasts served to their respective participating children.

5. In § 220.9, paragraph (b) is revised, new paragraphs (b–1), (b–2), and (b–3) are added, and paragraph (c) is revised, to read as follows:

§ 220.9 Reimbursement payment.

* * * * *

(b) Reimbursement for free and reduced price breakfasts shall be paid only for such breakfasts served in school to children meeting the school's approved eligibility standards under Part 245 of this chapter. Except as otherwise provided in paragraph (b–1) of this section, the maximum rate of reimbursement for a free breakfast shall be 20 cents and the maximum rate of reimbursement for a reduced price breakfast shall be 15 cents. The maximum rate of reimbursement for all other breakfasts served in school to children shall be 5 cents.

(b–1) A school participating in the School Breakfast Program may be considered for rates of reimbursement in excess of 20 cents for a free breakfast and 15 cents for a reduced price breakfast served in school to children meeting the school's eligibility standards for such breakfasts if it is an especially needy school. An especially needy school is one which establishes to the satisfaction of the State agency, or FNSRO where applicable, that it would be financially unable to support the service of such free and reduced price breakfasts at the maximum rates set forth in paragraph (b) of this section because of: (1) The need to serve an especially high percentage of such free and reduced price breakfasts; or (2) unusual costs required to provide a breakfast in the school in spite of the observance of good management practices; or (3) other unusual factors indicative of a special financial need. The State agency, or FNSRO where applicable, shall determine that the impact of such factors on the per-breakfast cost of providing a breakfast in the school is such that it is financially unable to support the service of such free and reduced price breakfasts after taking into consideration the per-breakfast revenues available from School Breakfast Program reimbursement, from State and local revenues, including revenues from the sale of fully paid and reduced price breakfasts, and savings from the effective utilization of commodities available under Part 250 of this chapter. The State agency, or FNSRO where applicable, shall also determine to its satisfaction that revenues available to support the service of breakfasts sold at regular prices in the school are sufficient to cover the cost of such service. Upon such determinations, the State agency, or FNSRO where applicable, may assign rates of reimbursement which are in excess of the rates specified in paragraph (b) of this section and which, together with revenues available from other sources, will finance up to 100 percentum of the cost of operating the school's nonprofit breakfast program: *Provided, however,* That the total reimbursement shall not exceed 30 cents for each free breakfast and 20 cents for each reduced price breakfast served in school to children eligible for such breakfasts. The State agency, or FNSRO where applicable, shall maintain on file for review the data to support its determination that a school is an especially needy school.

(b–2) Following notification of the funds to be initially made available to it for any fiscal year, and within the maximum rates of reimbursement set forth in paragraphs (b), (b–1), and (c) of this section, in each fiscal year, the State agency, or FNSRO where applicable, shall initially assign rates of reimbursement at levels which will permit reimbursement from the available funds for the total number of breakfasts eligible for reimbursement, including free and reduced price breakfasts, which it is estimated will be served in participating schools in the States in such fiscal year. At a minimum, the estimate of the number of such breakfasts to be served in a fiscal year shall take into account the estimated number of such breakfasts to be served in schools which are expected to apply and be approved for participation in the School Breakfast Program during such fiscal year and the estimated number of such breakfasts to be served in schools which participated in the preceding fiscal year.

(b–3) Each fiscal year, promptly following the receipt of claims for reimbursement covering operations for the month of November and for such later months as is necessary, each State agency, or FNSRO where applicable, shall revise its estimates of the total number of breakfasts eligible for reimbursement to be served in participating schools in such fiscal year. Based upon such revised estimates, each State agency, or FNSRO where applicable, shall make such adjustments in assigned rates of reimbursement as are necessary to permit reimbursement from such funds for the total number of such breakfasts it is estimated will be served in participating schools in the State in such fiscal year.

(c) Schools participating in the School Breakfast Program shall be reimbursed on the basis of the number of breakfasts served in school to children times the assigned rate, except that schools not approved for a rate higher

than 20 cents for a free breakfast and 15 cents for a reduced price breakfasts may not be reimbursed in an amount exceeding the cost of obtaining food during the fiscal year.

§ 220.10 [Amended]

6. Section 220.10 is amended to delete the word "schools" and substitute in lieu thereof the words "School Food Authorities".

7. In § 220.11, paragraph (a) is amended to delete the word "schools" and substitute in lieu thereof the words "School Food Authorities", paragraphs (b) and (c) are revised; and new paragraphs (d) and (e) are added, as follows:

§ 220.11 Reimbursement procedure.

* * * * *

(b) Except as otherwise provided in paragraph (c) of this section, the claim for reimbursement shall include the following items: (1) The month and year for which claim is made; (2) the name and address of the School Food Authority and of each school in which the School Breakfast Program operated; (3) the average daily attendance; (4) the number of days that breakfasts were served; (5) the total number of paid breakfasts served to children; (6) the total number of breakfasts served at a reduced price to children meeting the school's eligibility standards for such breakfasts; (7) the total number of breakfasts served free to children meeting the school's eligibility standards for such breakfasts; (8) the amount of reimbursement claimed; (9) income from the sale of breakfasts; and (10) the cost of providing a breakfast if the school is an especially needy school approved for reimbursement under the provisions of paragraph (b–1) of § 220.9. In submitting a claim for reimbursement each School Food Authority shall certify that the claim is true and correct; that records are available to support the claim; and that payment has not been received.

(c) Where a school participates in either the Special Milk Program or the National School Lunch Program as well as the School Breakfast Program, the State agency, or FNSRO where applicable, may authorize the submission of one claim for reimbursement to cover the income and expenditures incident to both programs.

(d) The claim for reimbursement covering operations for the month of December of each fiscal year shall be supplemented by information on the expenditures representing the cost of obtaining food for each school included in such claim, for the 6-month period July–December of such fiscal year. Such supplemental information shall be submitted by February 1. The claim for reimbursement covering the final month of operations for each fiscal year shall be supplemented by the same information on such expenditures for each school included in such claim, for the period between January 1 and the end of the final month of operations for each fiscal year. Such supplemental information shall be submitted within 30 days after the end of program operations for that fiscal year. State agencies, or FNSRO where applicable, may collect the information required in this paragraph more frequently than semiannually.

(e) Notwithstanding any other provision of this section, the State agency, or FNSRO where applicable, may advance funds available for the School Breakfast Program to a School Food Authority in an amount equal to the reimbursement estimated for the total number of breakfasts, including free and reduced price breakfasts, to be served to children for 1 month. The State agency, or FNSRO where applicable, shall require School Food Authorities who receive advances of funds under the provisions of this paragraph to make timely submissions of claims for reimbursement on a monthly basis and shall suspend advances of funds in the absence of such timely submissions. Following the receipt of claims the State agency, or FNSRO where applicable, shall make such adjustments as are necessary in such advances of funds to insure that the total amount of reimbursement received by a School Food Authority for the fiscal year will not exceed an amount equal to the number of breakfasts, including free and reduced price breakfast, served to children times the respective rates of reimbursement assigned by the State agency, or FNSRO where applicable, in accordance with § 220.9. In no event shall an advance of funds be made by the State agency, or FNSRO where applicable, for the month of April in any fiscal year unless the School Food Authority has submitted claims for reimbursement covering operations through the month of February in such fiscal year and unless the amount of reimbursement earned for the number of breakfasts, including free and reduced price breakfasts, served through February of such fiscal year is equal to at least 80 per centum of the amount of the funds advanced to the School Food Authority for the operations through the month of March in such fiscal year. The advance may be made not more than 30 days prior to the last day of the month for which reimbursement is estimated.

§ 220.14 [Amended]

8. In § 220.14, paragraph (a) is amended to add the words "the School Food Authority of" immediately before the words "any nonprofit private school" and paragraph (b) is amended to delete the word "school" and substitute in lieu thereof the words "School Food Authority."

§ 220.15 [Amended]

9. Section 220.15 is amended to add the words "the School Food Authorities of" immediately before the word "schools", and to add the words "purchase or rental of" after the words "cost of".

10. In § 220.16, paragraphs (a), (b), and (c) are revised, as follows:

§ 220.16 Requirements for participation.

(a) The School Food Authority shall make written application to the State agency, or FNSRO where applicable, for any school which it desires to participate in the Nonfood Assistance Program. Applications shall include the name and address of the School Food Authority and of each school in which the Nonfood Assistance Program will be operated, and the following information with respect to each such school: (1) Available data to demonstrate that the school draws a substantial portion of its attendance from areas in which poor economic conditions exist, such as the percentage of its enrollment receiving free and reduced price meals if the school is participating in the National School Lunch Program or the School Breakfast Program, its location within a Model City target area, the number and size of public housing projects located within the area, or the proportion of families living within the area who receive welfare assistance; (2) a detailed description of the type(s) of equipment needed to provide a food service to the children; (3) in addition, if the school has some equipment, a list of the equipment which is grossly inadequate and the impact of inadequacies or lack of equipment on the effectiveness of the school's food service program, including, but not limited to, the inability to serve participating children under a timely or reasonable schedule, the inability to effectively utilize commodities donated under Part 250 of this chapter, or the inability to provide the variety or types of food to meet ethnic, religious, or physical needs of children enrolled in the school; (4) the vendor's statement on the estimated rental or purchase cost(s) of such equipment, including installation; (5) if the equipment is to be rented, the reasons why the school does not find that the purchase of such equipment would be more advantageous; (6) the anticipated delivery and installation date; (7) a description of the source of the State or local funds which will be used to meet a share of the cost of the equipment obtained under the Nonfood Assistance Program, and the manner in which payment will be made to the vendor; and (8) the names and addresses of any schools under the jurisdiction of the School Food Authority which will be served by the school in which the Nonfood Assistance Program will be operated, the average daily attendance of each school, and data to demonstrate that such schools do or do not draw their attendance from areas in which poor economic conditions exist.

(b) A school shall be selected for participation in the Nonfood Assistance Program on the basis of: (1) The relative need of the school for assistance in acquiring equipment based upon the information supplied for that school and for other schools in the application submitted by the School Food Authority; and (2) the amount of funds available to the State agency, or FNSRO where applicable.

(c) The School Food Authority of schools selected for participation shall enter into a written agreement, on a form approved by CND, with the State agency, or FNSRO where applicable. The School Food Authority shall agree to: (1) Par-

ticipate in the School Breakfast Program or the National School Lunch Program, or both; (2) if it participates only in the School Breakfast Program, work toward participating in the National School Lunch Program; (3) maintain full and accurate records to account for the receipt and use of all funds in connection with the equipment acquired under the Nonfood Assistance Program; (4) if it is a School Food Authority of a nonprofit private school, provide at least one-fourth of the purchase price of such equipment; (5) if it is the School Food Authority of a nonprofit private school, use such equipment principally in connection with the school's nonprofit feeding programs under the School Breakfast Program and under the National School Lunch Program; (6) if it is a School Food Authority of a nonprofit private school, in the event such equipment is no longer so used, transfer it with the approval of the State agency, or FNSRO where applicable, to another School Food Authority of a nonprofit private school participating in any programs authorized by the Act or the National School Lunch Act, as amended, or to any other school participating in any of the programs authorized by such Acts (failing either of these dispositions, that part of such equipment financed with Federal funds, or the residual value thereof, shall revert to the United States).

* * * * *

11. In § 220.18, paragraph (a) is amended to delete the word "schools" and substitute in lieu thereof the words "School Food Authorities", and paragraph (c) is amended to delete the word "school" and substitute in lieu thereof the words "School Food Authority"; and subparagraph (1) of paragraph (a) and paragraph (b) are revised as follows:

§ 220.18 Reimbursement procedure.

(a) * * * (1) The name and address of the School Food Authority and of each school participating in the Nonfood Assistance Program; * * *

(b) Each claim shall be accompanied by a copy of the bill, invoice, or other evidence of purchase or rental and shall be made part of the School Food Authority's case file maintained by the State agency or FNSRO, where applicable.

* * * * *

§ 220.21 [Amended]

12. In § 220.21, paragraph (a) is amended to delete the words "local school districts" and substitute in lieu thereof the words "School Food Authorities and schools", and paragraph (b) is amended to add the words "School Food Authorities," following the words "such distributing agency to".

13. § 220.22 is revised to read as follows:

§ 220.22 State agency justification for State administrative expense funds.

FNS shall determine the amount of State administrative expense funds needed by each State based on justification for such funds as revealed in the State agency plan of child nutrition program operations submitted under § 210.4a of this chapter.

14. In § 220.24, paragraph (a) is amended to delete the word "schools" and substitute in lieu thereof the words "School Food Authorities" and paragraph (e) is amended to delete the word "schools" and substitute in lieu thereof the words "School Food Authorities"; and paragraph (a–1) is revised to read as follows:

§ 220.24 Special responsibilities of State agencies.

* * * * *

(a–1) Each State agency, or FNSRO where applicable, shall require each School Food Authority of a school participating in the School Breakfast Program to develop and file for approval a free and reduced price policy statement in accordance with paragraph (a) of § 220.7.

* * * * *

15. In § 220.25, the heading and paragraphs (a), (b), and (f) are amended to delete the words "school" or "schools" wherever they appear and to substitute in lieu thereof the words "School Food Authority" or "School Food Authorities", respectively; and paragraph (g) is revised to read as follows:

§ 220.25 Claims against School Food Authorities.

* * * * *

(g) With respect to School Food Authorities of schools in which the program is administered by FNSRO, when FNSRO disallows a claim or a portion of a claim, or makes a demand for refund of an alleged overpayment, it shall notify the School Food Authority of the reasons for such disallowance or demand and the School Food Authority shall have full opportunity to submit evidence or to file reclaims for any amounts disallowed or demanded in the same manner as that afforded in this section to School Food Authorities of schools in which the program is administered by State agencies.

16. In § 220.28, paragraph (a) is amended to delete the world "school" and substitute in lieu thereof the words "School Food Authority", and paragraph (b) is revised to read as follows:

§ 220.28 Other provisions.

* * * * *

(b) Any or all of the provisions of this part may be withdrawn, or amended, at any time by the Department: *Provided, however,* That any withdrawal or amendment shall not be made without due prior notice in writing to the State agencies and to the School Food Authorities of nonprofit private schools with respect to which the program is administered by FNSRO: *And provided further,* That no change in the requirements for breakfasts which increases food costs or which decreases the maximum rates of reimbursement shall become effective less than 60 days after publication of notice thereof, except when such changes are required by law.

* * * * *

17. In § 220.29, the opening sentence is amended to delete the word "Schools" and substitute in lieu thereof the words "School Food Authorities"; and paragraph (b) is revised to read as follows:

§ 220.29 Program information.

* * * * *

(b) In the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, Virginia, and the Virgin Islands:

Southeast Regional Office, FNS, U.S. Department of Agriculture, 1100 Spring Street NW., Atlanta, GA 30309.

Effective date: July 1, 1972.

NOTE: The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Dated: May 11, 1972.

PHILIP C. OLSSON,
Deputy Assistant Secretary.

[FR Doc.72–7390 Filed 5–12–72;8:53 am]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

PART 859—TEXAS CANE SUGAR PRODUCING AREA

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended, and effective upon publication in the FEDERAL REGISTER, Chapter VIII of Title 7 of the Code of Federal Regulations is amended by adding to Subchapter G a new Part 859, as above entitled, and by adding in Part 859 the following sections containing provisions pertaining to allocation of sugarcane acreage for a new sugarcane area:

Sec.
859.1 Purpose.
859.2 Definitions.
859.3 Allocation of acreage to farms and conditions of allocation.
859.4 Acreage records to be furnished.
859.5 Adjustments in acreage.
859.6 Revocation of acreage allocation.

AUTHORITY: The provisions of this Part 859 issued under secs. 202, 301, 302, 403, 61 Stat. 924, as amended, 929, as amended, 930, as amended, 932; 7 U.S.C. 1112, 1131, 1132, 1153.

§ 859.1 Purpose.

The purposes of this part are to provide for a new sugarcane area, to allocate to such area the acreage required to supply an annual quota of not more than 100,000 short tons, raw value, of sugar, as authorized under section 202 of the Sugar Act, and to specify conditions under which such acerage is to be used and is to be protected in subsequent proportionate share determinations.

§ 859.2 Definitions.

For the purpose of this part, the term:

(a) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the U.S. Department of Agriculture to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(b) "State committee" means the persons in a State designated by the Secretary as the Agricultural Stabilization and Conservation State Committee, under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended.

(c) "County committee" means the persons elected within a county as the county committee pursuant to regulations governing the selection and function of Agricultural Stabilization and Conservation County and Community Committees, under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended.

(d) "Texas Cane Sugar Producing Area" means the counties of Cameron, Willacy, Hidalgo, and Starr in the State of Texas.

(e) "Farm" means all sugarcane land within a State farmed by the same operator and shall include, in addition, any land in an adjoining State or States farmed by such operator, if any of the equipment or labor used in the operation of the land in one State is also used in the operation of the land in the other State or States.

(f) "Operator" shall have the meaning as defined in part 892 of this chapter.

(g) "Crop" means a crop of sugarcane and shall be designated by year to correspond to the year in which harvest begins. The term "crop year" means the crop designated by year as provided in this paragraph.

(h) "Act" or "Sugar Act" means the Sugar Act of 1948, as amended.

(i) "Accredited acreage" or "accredited acres" means the acres on the farm (within the proportionate share for such farm if shares are in effect) for any crop as designated by year, on which sugarcane was grown and marketed (or processed) for the extraction of sugar or liquid sugar (except for use as livestock feed or for the production of livestock feed) or which was harvested for seed or which was determined by the county committee to have been bona fide abandoned acreage to the extent of fulfilling at least the requirements for abandonment set forth in § 896.31 (a) and (b), as shown by office records of the county committee.

§ 859.3 Allocation of acreage to farms and conditions of allocation.

(a) *Amount of allocation.* An allocation of 25,700 acres, estimated to yield about 113,000 short tons, raw value, of sugar, is made to farms in the Texas Cane Sugar Producing Area for the 1973 crop for the purpose of growing sugarcane for delivery to the raw sugar processing facility of the Rio Grande Valley Sugar Growers, Inc., an agricultural cooperative association.

(b) *Conditions of commitment*—(1) *Eligible farms.* An acreage commitment may be made to any farm with headquarters located in the Texas Cane Sugar Producing Area, the operator of which is a member of the cooperative, and has the land, labor, water, and equipment available for the production of sugarcane and soil suitable for its production.

(2) *Limits of commitment to individual farms.* The maximum commitment to any farm to be made by the county committee for the county in which the farm headquarters is located shall not be greater than the number of acres on which the grower-member of the cooperative has contributed his share of equity investment in the cooperative. However, any part of an acreage commitment which the grower-member chooses not to use during the 3-year commitment period may be relinquished by him and used to increase the acreage commitment to other grower-member(s).

(3) *Notification of commitments.* The State committee shall instruct the county committee to notify the farm operator, on a form provided by the State committee, of each eligible farm included on the list prepared pursuant to § 859.4 that the acreage, as adjusted in accordance with § 859.5, has been committed to such farm. Such notice shall also inform the farm operator that if proportionate shares are in effect for either the 1974 or 1975 crop, the proportionate share established for such farm will not be less than the acreage committed.

(4) *Proportionate share protection to be accorded farms utilizing committed acreage.* If proportionate shares are in effect for either the 1974 or 1975 crop, the proportionate share established for any farm shall be not less than the acreage committed.

(5) *Conditions relating to utilization of acreage allocation.* The acreage available for establishing proportionate shares for either the 1974 or 1975 crop shall be not less than the acreage allocated pursuant to paragraph (a) of this section. Proportionate shares will be established for such crops only for eligible farms.

§ 859.4 Acreage records to be furnished.

To permit the keeping of records necessary to record accredited acreage, to accord history protection to farms in the event proportionate shares are established in later years, and for other purposes, the cooperative shall furnish to the county office for the county in which the farm headquarters is located the name and address of each eligible farm operator who has an equity investment in the cooperative, the number of acres committed within the overall allocation under § 859.3, and an identification of the land on which sugarcane is to be planted. A copy of this list shall be furnished the State committee.

§ 859.5 Adjustments in acreages.

The State committee shall determine that the total of the acreage committed to eligible producers does not exceed the acreage allocated pursuant to § 859.3(a). If it is determined by the State committee that the cooperative has committed acreage to eligible producers in excess of the allocation, the State committee shall reduce the acreage for each farm on a pro rata basis so that the total of such adjusted acreage does not exceed the total of the allocation.

§ 859.6 Revocation of acreage allocation.

The allocation of acreage is subject to revocation in accordance with the provisions of the Act if it is found that the construction of sugarcane processing facilities and the contracting for processing of sugarcane has not proceeded in substantial accordance with the representations upon which such commitment of acreage is based.

STATEMENT OF BASES AND CONSIDERATIONS

Requirements of the Act. Section 202 (a)(4) of the Act provides as follows:

(4) Beginning with 1973 or as soon thereafter as the quota or quotas can be used, there shall be established for any new continental cane sugar producing area or areas a quota or quotas of not to exceed a total for all such areas of 100,000 short tons, raw value, subject to the requirements of section 302 of this Act.

Section 302(c) provides as follows:

(c) In order to enable any new cane sugar producing area to fill the quota to be established for such area under section 202(a)(4), the Secretary shall allocate an acreage which he determines is necessary to enable the area to meet its quota and provide a normal carryover inventory. Such acreage shall be fairly and equitably distributed to farms on the basis of land, labor, and equipment available for the production of sugarcane, and the soil and other physical factors affecting the production of sugarcane. The acreage allocation for any year shall be made as far in advance of such year as practicable, and the commitment of such acreage to the area shall be irrevocable upon issuance of such determination by publication there of in the FEDERAL REGISTER, except that, if the Secretary finds in any case that construction of sugarcane facilities and the contracting for processing of sugarcane has not proceeded in substantial accordance with the representation made to him as a basis for his determination of distribution of acreage, he shall revoke such determination in accordance with and upon publication in the FEDERAL REGISTER of such findings. In making his determination for the establishment of a quota and the allocation of the acreage required in connection with such quota, the Secretary shall base such determination upon the firmness of capital commitment and the suitability of the area for growing sugarcane and, where two or more areas are involved, the relative qualifications of such areas under such criteria. If proportionate shares are in effect in such area in the two years immediately following the year for which the sugarcane acreage allocation is committed for any area, the total acreage of proportionate shares established for farms in such area in each such two years, shall not be less than the larger of the acreage committed to such area or the acreage which the Secretary determines to be required to enable the area to fill its quota and provide for a normal carryover inventory.

General. Two areas applied for acreage under the provisions of section 302(c). The acreage required to yield the entire quota of 100,000 tons has been awarded to one, the Lower Rio Grande Valley of Texas. This area has met all of the re-

quirements for the allocation, i.e., the interested persons have a firm commitment of capital, and have satisfactorily proven the suitability of the area for growing sugarcane and the interest of farmers in growing sugarcane. The other area, the Imperial Valley of California, has not established any of the requirements for commitment of acreage. Section 302(c) provides that where two or more areas are involved, the Secretary shall consider the relative qualifications of such areas under the criteria set forth above.

Public hearing. On November 10, 1971, a notice of hearing was published in the FEDERAL REGISTER announcing an infomal public hearing on the matter of requests for acreage for new continental cane sugar producing areas. The hearing was held in Washington, D.C., on December 2, 1971. Requests were received for acreage from two areas.

The Rio Grande Valley Sugar Growers, Inc., of Texas requested 25,700 acres of cane for processing estimated to yield approximately 113,000 tons of sugar, raw value, per year. At the hearing and in briefs filed subsequently, the Department was informed that this group has conducted experiments in cane production, awarded a contingent construction contract, obtained contributions from grower-members of the cooperative, and obtained from financial institutions the balance of the financing contingent only on the locality receiving an acreage allotment. The construction of the processing facility is scheduled to begin in the first half of 1972, and the processing of sugarcane is to begin in the fall of 1973. Total financing of $28.8 million has been arranged: 60.4 percent or $17.4 million from the Houston Bank for Cooperatives; 15.1 percent or $4.35 million by second lien from the Commercial Credit Development Corp.; and 24.5 percent or $7.05 million equity from the grower-members, which consists of $100 per grower for his class "A" voting stock, $108 per acre from each grower for class "B" nonvoting stock, and $168 per acre for preferred stock.

Another area, the Imperial Valley of California, requested 12,500 acres to yield approximately 50,000 tons of sugar, raw value, per year, but this area does not have formal organization or firm plans for growing or processing sugarcane.

Determination. This determination provides for the allocation of acreage for use by farmers in the locality to be served by a new sugarcane processing facility in the Lower Rio Grande Valley of Texas. The acreage (25,700) allocated represents that requested by the cooperative involved for its grower-members.

Estimates of the Rio Grande Valley Sugar Growers, Inc., indicate that 25,700 acres with a yield of 42 tons of cane per acre and a recovery of 210 pounds of sugar, raw value, per ton of cane will result in total sugar production of 113,000 tons. This production would fill a quota of 100,000 short tons, raw value, and provide a normal carryover inventory.

The sugarcane factory will cost upwards of $25 million. Each grower-member has been assessed a substantial amount on a per acre basis to help defray the cost of this project. In the absence of the assessments to, and the commitments by the grower-members, construction would not be possible. Accordingly, it is determined that the method of committing the acreage allocation to individual farms of grower-members as provided in this regulation is fair and reasonable.

If the total acreage committed to eligible farms were to exceed the acreage allocation, pro rata reductions would be made in acreages.

If proportionate shares are in effect for either the 1974 or 1975 crop, such share for any farm in each of these years will not be less than the acreage originally committed unless the grower-member has relinquished a portion of such commitment. In such case, new commitments would be made and protection accorded on the basis of the new commitments. Any acreage of sugarcane planted in excess of the acreage committed to the farm will not increase the minimum proportionate share protection in future years.

If the acreage committed to a farm is not fully utilized for the 1973 crop, an opportunity shall be accorded such farm to utilize the acreage in 1974 or 1975.

Environmental statements have been filed by the Department as required by section 102(2)(c) of the National Environmental Policy Act, Public Law 91-190 (83 Stat. 852). After considering the statements and the responses to them, I have concluded that the favorable effects upon the environment, including the social gains, will outweigh the adverse effects which might be encountered by this action.

The provisions of this determination are deemed to be fair and reasonable and in accordance with the provisions of the Sugar Act. Accordingly, I hereby find and conclude that the foregoing regulation will effectuate the applicable provisions of the Act.

Effectve date: Date of publication (5-13-72).

Signed at Washington, D.C., on May 9, 1972.

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

[FR Doc-72-7356 Filed 5-12-72;8:52 am]

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

[Navel Orange Reg. 267, Amdt. 1]

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

Limitation of Handling

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

(2) It is hereby further found it 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 amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of Naval oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* This provisions in paragraph (b)(1) (i) and (ii) of § 907.567 (Naval Orange Regulation 267, 37 F.R. 9015) during the period May 5, 1972, through May 11, 1792, are hereby fixed as follows:

§ 907.567 Navel Orange Regulation 267.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 924,000 cartons;

(ii) District 2: 176,000 cartons.

* * * * *

(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.72-7354 Filed 5-12-72;8:52 am]

[Lemon Reg. 533]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.833 Lemon Regulation 533.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 36 F.R. 9061), regulating the handling of lemons grown in California and Arizona, 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 Lemon 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 lemons, as here-

inafter 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 or 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 lemons 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 lemons; 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 quantity of lemons grown in California and Arizona which may be handled during the period May 14, 1972, through May 20, 1972, is hereby fixed at 260,000 cartons.

(2) As used in this section, "handled" and "carton(s)" have the same meaning as when used in the 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.72-7352 Filed 5-12-72;8:51 am]

[Lime Reg. 33]

PART 911—LIMES GROWN IN FLORIDA

Limitation of Shipments

On April 26, 1972, notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 8397), regarding a proposed regulation to be made effective pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911; 36 F.R. 14125), regulating the handling of limes grown in Florida. The proposed regulation was recommended by the Florida Lime Administrative Committee established pursuant to the said marketing agreement and order. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Florida Lime Administrative Committee (established pursuant to the marketing agreement and order), and other available information, it is hereby found and determined that the regulation, as hereinafter set forth, is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; and a reasonable time is permitted, under the circumstances, for preparation for such effective time. Shipments of Florida limes are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the regulation herein specified for the period June 1, 1972, through April 30, 1973, is identical with that currently in effect; the recommendation and supporting information for regulation during the period June 1, 1972, through April 30, 1973, were promptly submitted to the Department after an open meeting of the Florida Lime Administrative Committee on April 12, 1972; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting and thereafter with respect to the April 26, 1972, notice of proposed rule making; the provisions of this regulation, are identical with the recommendations of the committee and as contained in the said notice, and information concerning such provisions and effective time has been disseminated among handlers of such limes; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of Florida limes, and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

On the basis of appraisal of the Florida lime crop, the current and prospective market conditions, the recommendations of the Florida Lime Administrative Committee, and other available information the regulation, as hereinafter set forth, should be issued so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while increasing returns to the producers pursuant to the declared policy of the act. Shipments of limes are currently being made subject to grade and size limitations which became effective May 1, 1972 (37 F.R. 8373), and a heavier volume of shipments is expected to begin on or about June 1, 1972. The grade and size requirements specified herein are the same as those in effect during the period May 1–31, 1972, and are designed to prevent the handling, on and after June 1, 1972, of limes that are of a lower grade or smaller size than are currently permitted to be handled.

§ 911.335 **Lime Regulation 33.**

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

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

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

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

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

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

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

Dated: May 10, 1972.

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

[FR Doc.72-7353 Filed 5-12-72;8:51 am]

Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 137]

PART 1137—MILK IN EASTERN COLORADO MARKETING AREA

Order Suspending Certain Provisions

This suspension order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Eastern Colorado marketing area.

It is hereby found and determined that for the months of June through August 1972, the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. In the first sentence of paragraph (a) of § 1137.10, the provision, "from whom at least three deliveries of milk are received during the month at a distributing pool plant"; and

2. In the second sentence of paragraph (a) of § 1137.10, the provision, "distributing".

STATEMENT OF CONSIDERATION

This suspension continues the same effect of a previous suspension order effective for the months of March 1972 through May 1972. It removes the provision that three deliveries of a producer's milk must be received at a pool plant during the month to qualify his milk for diversion. In addition, the suspension enables a cooperative association to divert milk based on its deliveries to pool distributing plants and pool supply plants, rather than on the basis of deliveries to pool distributing plants only.

The suspension was requested by two cooperative associations. Another cooperative associaton supports the action. These three producer organizations represent about 85 percent of the producers supplying the market.

Current marketing conditions necessitate that the cooperatives handle an increasing quantity of the market's reserve supply. Without the suspension, the cooperatives would have to make uneconomic shipments of milk to qualify the milk for pooling.

It is hereby found and determined that notice of proposed rule making, public proceedings thereon, and 30 days' notice of the effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that the present provisions require uneconomic movements of milk to assure pool status for producers who have regularly supplied the market with milk.

(b) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) This suspension has been in effect since March 1, 1972, and this action would continue such suspension.

Therefore, good cause exists for making this order effective on June 1, 1972.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of June through August 1972.

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

Effective date: June 1, 1972.

Signed at Washington, D.C., on May 9, 1972.

PHILIP C. OLSSON,
Deputy Assistant Secretary.

[FR Doc.72-7323 Filed 5-12-72;8:49 a.m.]

Chapter XVIII—Farmers Home Administration, Department of Agriculture

SUBCHAPTER A—GENERAL REGULATIONS

[FHA Ins. 424.3]

PART 1804—PLANNING AND PERFORMING DEVELOPMENT WORK

Subpart C—Handling Construction Complaints

On pages 6105 and 6106 of the FEDERAL REGISTER of March 24, 1972, there was published a notice of proposed rule making to amend Part 1804 by adding a new Subpart C, "Handling Construction Complaints," Title 7, Code of Federal Regulations. This new Subpart C prescribes the policies, methods, and responsibilities with respect to handling construction complaints in connection with single-family loans authorized by title V of the Housing Act of 1949. It also provides policies and guidelines for assisting the borrower-owner and protecting the Farmers Home Administration's financial interest in the property. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations. No objections have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date. These regulations shall be effective as of publication in the FEDERAL REGISTER (5–13–72).

Dated: May 8, 1972.

JOSEPH H. LINSLEY,
Chief, Organization and Directives Management Branch, Farmers Home Administration.

The new Subpart C reads as follows:

Sec.
1804.51 Introduction.
1804.52 Definitions.
1804.53 Handling of complaints by the County Supervisor.

AUTHORITY: The provisions of this Subpart C issued under sec. 510, 63 Stat. 437, 42 U.S.C. 1480; Order of Acting Secretary of Agriculture, 36 F.R. 21529; Order of Assistant Secretary of Agriculture for Rural Development and Conservation, 36 F.R. 21529.

Subpart C—Handling Construction Complaints

§ 1804.51 Introduction.

The County Supervisor is charged with the responsibility of receiving and resolving, with such assistance and advice as he deems necessary, all complaints concerning the construction of houses financed by the Farmers Home Administration (FHA). The County Supervisor must decide whether the complaints are "justified" or "not justified." If a complaint is justified, the builder is expected to make the necessary corrections. If it is not justified, the builder is not obligated to correct the defect. The handling of construction complaints is a matter of prime importance because the FHA has an interest not only in assisting the borrower-owner, but also in protecting its financial position in the property. The desire to retain homeownership is directly related to the homeowner's satisfaction with his house. If the homeowner is dissatisfied with the condition of his property, he will be less likely to maintain the property and less likely to meet his financial obligations with respect to it.

§ 1804.52 Definitions.

(a) The term "proposed construction" means that the plans and specifications were reviewed and accepted by the FHA prior to the start of construction and that the property was inspected by the FHA during construction to determine that it was being completed in accordance with the accepted plans and specifications.

(b) The term "plans and specifications" means the accepted plans and specifications which were the basis of FHA's commitment on a proposed construction application. These accepted plans and specifications should be available at all times for the homeowner's review. If necessary, technical assistance shall be made available to help the homeowner review and understand the plans and specifications and any other requirements that are a part of our commitment.

(c) The term "existing construction" means a property on which construction has started or has been completed prior to the date an application was received. A property may be accepted during the construction period and the balance of compliance inspections may be made after the date of acceptance.

(d) The term "rehabilitation" means major repairs and improvements to existing dwellings such as the installation or completion of bathroom facilities, installation of major items of equipment, additions or structural changes.

(e) The term "builder's warranty" means a written document by which the builder who contracted for proposed construction, existing construction which

has been approved prior to occupancy, or rehabilitation, warrants for a given period to the homeowner-purchaser that the property was constructed in substantial conformity with the drawings and specifications upon which the FHA appraisal and loan were based. The warranty extends to the initial purchaser and his successors or transferees.

(1) In the case of proposed construction or existing construction, the warranty runs for a period of 1 year from the date of initial occupancy or the date of the initial conveyance of title, whichever occurs first.

(2) In the case of rehabilitation, the warranty runs from 1 year from the date of completion of the work.

(3) A builder's warranty is required in all proposed construction cases, on newly completed, previously unoccupied homes, and on rehabilitation.

(f) The term "homeowner" means the original borrower-owner or any subsequent successors or transferees.

(g) The term "initial occupancy" means the date of first occupancy of the dwelling by the borrower-owner.

(h) The term "justified complaints" means a complaint is justified if: (1) It is covered by the warranty.

(2) It is received within the warranty period: *Provided*, That a complaint may be made after 1 year if there is evidence of accelerated deterioration of structural soundness or material failure in advance of normal life expectancy and the defect can be ascertained with exactness to be the builder's responsibility; and

(3) It is determined that: (i) The construction is defective in workmanship, material, or equipment, or

(ii) That the structure has not been constructed in accordance with the approved drawings and specifications, or

(iii) The structure does not comply with FHA's Minimum Property Standards; or

(iv) The property does not meet code requirements.

(i) The term "not justified complaint" means any complaint that does not meet the definition of a justified complaint. If the complaint is not justified, the repairs are the responsibility of the homeowner who should be encouraged to make them immediately to preserve the property.

(1) Examples of complaints that are not justified are those involving the question of who is responsible for such matters as:

(i) The repairs of cracks attributed to normal curing or settlement.

(ii) The repairs of leaky faucets.

(iii) The application of protective painting and grouting to prevent accelerated deterioration of material.

(iv) Normal care of mechanical equipment.

(v) Changing the contour of the land or drainage system.

(vi) Keeping the well free from contamination.

(vii) Cleaning of individual sewage disposal systems.

(j) The term "escrowed items" means incompleted onsite work which was not completed by the builder because of inclement weather or other justified reasons and money was set aside in escrow to complete the work within a reasonable period of time.

(k) The term "latent defects" means serious construction defects which develop subsequent to the expiration of the builder's warranty, but are traceable to work performed during the construction period. These defects are not caused by any act of the homeowner but seriously affect the livability, value, and marketability of the property. The defects may be due to structural design, materials, workmanship, deviation from plans and specifications, and so forth. Failure of footings and foundations and sagging of ceilings and roofs are examples of major structural deficiencies.

§ 1804.53 Handling of complaints by the County Supervisor.

The County Supervisor is assigned the function of receiving and resolving with such assistance and advice as he deems necessary, all complaints concerning the construction of FHA financed housing in the following manner:

(a) Each complaining homeowner should be requested to make a written complaint, but an oral complaint may be accepted if making a written complaint will impose a hardship.

(b) The homeowner will be told that he must first endeavor to resolve the complaint with the builder.

(1) The homeowner should be urged to give the builder a written list of the alleged defects, except where it would involve a hardship.

(2) The homeowner should be informed that if after 30 days the defects have not been corrected or other satisfactory arrangements have not been made by the builder, the homeowner should so notify the County Supervisor, preferably in writing.

(c) If the County Supervisor does not hear from the homeowner within 30 days, he can reasonably assume that the complaint has been satisfied, unless he has or receives information to the contrary.

(d) If the homeowner notifies the County Supervisor that the complaint has not been satisfied, the County Supervisor should request the homeowner to furnish copies of all correspondence between the builder and himself, and, unless it would involve a hardship, reduce the complaint to writing if that has not already been done.

(e) The County Supervisor should write the builder and notify him of the homeowner's complaint and request the immediate correction of the defects.

(f) If the builder informs the FHA that he has corrected or will correct the alleged defects, the County Supervisor will notify the homeowner by letter and the case will be closed unless a subsequent complaint is received from the homeowner.

(g) If no reply is received from the builder within 15 days, the County Supervisor should send a followup letter to the builder.

(h) If the builder fails to respond within 15 days thereafter, the County Supervisor should advise the homeowner that the builder has not responded to FHA's inquiries and it is presumed that he will not correct the alleged defects.

(i) The County Supervisor should make a finding that: (1) None of the complaints are justified, or

(2) Some of the complaints are justified, or

(3) All of the complaints are justified.

NOTE: Advice and assistance must be obtained before the question of responsibility can be determined. Such advice and assistance should be sought immediately.

(j) If the County Supervisor is unable to reconcile differences within a reasonable period of time, and if a review of his findings is desired by either the homeowner or the builder, the County Supervisor should refer the complete file, including all correspondence, to the District Supervisor. Should the parties fail to resolve their differences, the findings of the County and District Supervisor with all related correspondence should be referred to the State Director for review and final determination. Such a proceeding should be very informal. The principal goal is to work out a satisfactory solution while avoiding unnecessary expense.

(k) Should a builder decline to correct a justified complaint after being officially requested in writing to do so, formal proceedings should be instituted promptly in accordance with Subpart J of Part 1822 of this chapter, which contains the suspension and debarment procedure. If the builder fails to reply to official correspondence, his failure can be taken as his refusal to correct the justified complaint. Also, a builder's inability to correct a justified complaint constitutes noncompliance.

(l) In all instances involving a complaint, the County Supervisor shall notify the homeowner and builder in writing at each stage what their respective obligations are. They shall both be informed of the final disposition of the case. All letters must be courteous and clearly state the position of the FHA.

(m) All actions in connection with complaints shall be maintained in a complaint file under the builder's name. A chronological history of every action of the complaint from date of receipt to the date of final disposition shall be kept in the file as well as related documentary information. Such records should be reviewed periodically for the purpose of evaluating the performance of such builders or for formulating a course of action to be taken.

[FR Doc.72-7324 Filed 5-12-72;8:49 am]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Implementation of National Environmental Policy Act of 1969

On September 9, 1971, the Atomic Energy Commission published in the FED-

ERAL REGISTER (36 F.R. 18071) a revision of Appendix D of its regulation in 10 CFR Part 50, effective on publication. Revised Appendix D as published is an interim statement of Commission policy and procedure for the implementation of the National Environmental Policy Act of 1969 (NEPA) in light of the decision of the U.S. Court of Appeals for the District of Columbia Circuit in Calvert Cliffs' Coordinating Committee, Inc., et al. v. United States Atomic Energy Commission, et al., Nos. 24,839 and 24,871. The procedures in Appendix D apply to licensing proceedings for nuclear power reactors; testing facilities; fuel reprocessing plants; and other production and utilization facilities whose construction or operation may be determined by the Commission to have a significant impact on the environment. The procedures also apply to proceedings involving certain specified activities subject to materials licensing.

Paragraph 13 of section A of Appendix D of Part 50 provides that:

The Commission will incorporate in all construction permits and operating licenses for production and utilization facilities described in paragraph 1, a condition, in addition to any conditions imposed pursuant to paragraph 11, to the effect that the licensee shall observe such standards and requirements for the protection of the environment as are validly imposed pursuant to authority established under Federal and State law and as are determined by the Commission to be applicable to the facility that is subject to the licensing action involved. This condition will not apply to radiological effects since radiological effects are dealt with in other provisions of the construction permit and operating license.

The central premise of Appendix D prior to its revision in light of the earlier referenced Calvert Cliffs' decision, was the concept that the preservation of environmental values could best be accomplished through the establishment of environmental quality standards and requirements by appropriate Federal, State, and regional agencies having responsibility for environmental protection. The condition referred to was an aspect of NEPA implementation by the Commission reflecting that concept. Since the decision in the Calvert Cliffs' case, the Commission, in compliance with the mandate of the Court of Appeals, has revised its NEPA regulations to provide for an independent review of the environmental impact of the matters covered by such standards and requirements. Accordingly, the condition no longer serves the purpose intended. Any license conditions resulting from the Commission's independent review will be tailored to the particular facility. The Commission has, therefore, revoked paragraph 13 of section A of Appendix D of Part 50 since it is no longer necessary or appropriate. This amendment does not, of course, relieve holders of AEC licenses of any obligation which they otherwise have in regard to applicable standards and requirements imposed by other agencies under Federal or State law.

Because this amendment relates solely to elimination of an obsolete requirement, the Commission has found that good cause exists for omitting notice of proposed rule making and public procedure thereon as unnecessary and for making the amendment effective without the customary 30-day notice.

Accordingly, pursuant to the National Environmental Policy Act of 1969, the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendment to Title 10, Chapter 1, Code of Federal Regulations, Part 50, is published as a document subject to codification to be effective upon publication in the FEDERAL REGISTER (5-13-72).

In Appendix D, paragraph 13 of section A is revoked.

(Sec. 102, 83 Stat. 853; secs. 3, 161; 68 Stat. 922, 948, as amended; 42 U.S.C. 2013, 2201)

Dated at Germantown, Md., this 8th day of May 1972.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary of the Commission.

[FR Doc.72-7344 Filed 5-12-72;8:51 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 70-SO-59, Amdt. 39-1446]

PART 39—AIRWORTHINESS DIRECTIVES

Piper PA-28 Series Airplanes

Amendment 39-1057 (35 F.R. 12650) AD 70-16-5 requires periodic inspection or replacement of exhaust mufflers on certain PA-28 series airplanes. There has been some confusion regarding applicability of the inspection requirements for mufflers which may be approved as equivalent to the improved mufflers called out in paragraph (f). To clarify this, the airworthiness directive is being amended to provide for the discontinuance of the recurrent inspection required by paragraphs (a) and (b) after installation of an approved equivalent muffler.

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

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697) § 39.3 of Part 39 of the Federal Aviation Regulations, Amendment 39-1057 (35 F.R. 12650), AD 70-16-5, is amended as follows:

1. Revising the applicability paragraph to read:

PIPER. Applies to the following Model PA-28 airplanes equipped with Piper muffler Part No. 63627-00 or 63688-00:

(a) PA-28-140 airplanes having Serial Nos. 28-20001 through 28-26400.

(b) PA-28-150, PA-28-160, PA-28S-160, PA-28-180, and PA-28S-180 airplanes having Serial Nos. 28-03, 28-1 through 28-1760A.

2. By adding subparagraph (3) to paragraph (f):

(3) Or other equivalent muffler installations approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southern Region.

This amendment becomes effective May 19, 1972.

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

Issued in East Point, Ga., on May 1, 1972.

W. B. RUCKER,
Acting Director, Southern Region.

[FR Doc.72-7293 Filed 5-12-72;8:45 am]

[Docket No. 72-EA-8, Amdt. 39-1448]

PART 39—AIRWORTHINESS DIRECTIVE

Piper Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to revoke AD 70-3-8 and issue a new airworthiness directive in lieu thereof. Since the promulgation of AD 70-3-8 there has been established a basic cause as to the problems encountered by fuel leakage and a corrective alteration has been developed by the manufacturer. However, there is also additional evidence which requires that later serial numbered aircraft be added to the inspection group, such repetitive inspections to continue until the aforementioned alteration has been accomplished.

Since the deficiency established by AD 70-3-8 and the subject airworthiness directive still constitutes a hazard to air safety, the public interest requires expeditious adoption of this airworthiness directive. Therefore notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697) § 39.13 of Part 39 of the Federal Aviation Regulations is amended so as to revoke AD 70-3-8 and substitute in lieu thereof the following new Airworthiness Directive:

PIPER AIRCRAFT. Applies to PA-23-235, PA-23-250, and PA-E23-250 series airplanes Serial Nos. 27-1 through 27-4765 inclusive, equipped with nonsupercharged engines, including airplanes modified in accordance with STC SA179CE and STC SA867SW and certificated in all categories.

Compliance required as indicated.

In order to prevent possible explosion and fire resulting from fuel vapor ignition during engine starting, accomplish the following:

(a) Serial Nos. 27-1 through 27-2504 inclusive: Prior to first flight of each day,

visually check the lower surface of the wings in the areas of the fuel cells and aft nacelle for fuel stains and any odor of fuel vapor. If fuel stains or any other sign of fuel leakage are observed, the source of leakage must be determined and repairs or replacements accomplished prior to further flight, in accordance with section IX of Piper Service Manual No. 753464 or an equivalent repair approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(b) Serial Nos. 27-2505 through 27-4765 inclusive: Inspect in accordance with paragraph (a) above within 50 hours' time in service after the effective date of this AD or since the last inspection and every 50 hours thereafter.

(c) The checks required by paragraphs (a) and (b) above may be performed by the pilot, including pilots of aircraft engaged in Air Carrier operations. A chronological listing of compliance with this AD must be made in the airplane's permanent maintenance log in accordance with FAR 91.173.

(d) When the instruction paragraph contained in Piper Service Letter No. 606 is complied with or equivalent inspections and alterations approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, further compliance with this AD is not required.

(Piper Service Letters Nos. 449 and 449A refer to this subject.)

This amendment is effective May 19, 1972.

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

Issued in Jamaica, N.Y., on May 5, 1972.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.72-7294 Filed 5-12-72;8:45 am]

[Docket No. 72-EA-62, Amdt. 39-1447]

PART 39—AIRWORTHINESS DIRECTIVE

Pratt & Whitney Aircraft Engines

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to amend AD 71-24-3 applicable to Pratt & Whitney JT9D-3A type aircraft engines.

Since the promulgation of AD 71-24-3, testing and development has established an acceptable alteration so as to permit a relaxation of the repetitive inspections.

In view of the foregoing and because the amendment is relaxatory in nature and does not impose any additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697) § 39.13 of Part 39 of the Federal Aviation Regulations is amended so as to amend AD 71-24-3 as follows:

1. Amend AD 71-24-3 by adding a paragraph numbered 6 as follows:

6. For JT9D-3A engines incorporating fuel nozzle and support assemblies reworked in accordance with Pratt & Whitney Aircraft Turbine Engine Service Bulletin No. 3627 or equivalent method approved by the Chief, Engineering and Manufacturing Branch, Eastern Region, inspect all borescope positions in accordance with paragraph 4 within 75 cycles after installation of the reworked fuel nozzle and support assemblies and every 75 cycles thereafter.

NOTE: Turbine Engine Service Bulletin No. 3627 does not apply to engines which incorporate Turbine Engine Service Bulletin No. 3223 or 3628.

This amendment is effective May 19, 1972.

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

Issued in Jamaica, N.Y., on May 5, 1972.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.72-7295 Filed 5-12-72;8:45 am]

[Airspace Docket No. 71-SO-181]

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

Revocation of Federal Airway Segments

On March 16, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 5507) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would revoke VOR Federal airway No. 3 east alternate segments between Daytona Beach, Fla., and Jacksonville, Fla., and from Jacksonville, Fla., to Savannah, Ga.

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

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

In § 71.123 (37 F.R. 2009) V-3 is amended by deleting all between "Jacksonville, Fla. 159° radials;" and "Vance, S.C.;" and substituting "Jacksonville; Brunswick, Ga.; Savannah, Ga.;" therefor.

(Secs. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348(a), 1510; Executive Order 10854 (24 F.R. 9565); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on May 9, 1972.

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

[FR Doc.72-7300 Filed 5-12-72;8:46 am]

[Airspace Docket No. 72-RM-11]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of the Colorado Springs, Colo., control zone.

The Pikes Peak Airport, located approximatley 4 miles south of Peterson Field, has been abandoned. Accordingly, that portion of the Colorado Springs, Colo., control zone, within a 1-mile radius of Pikes Peak Airport (latitude 38°43'40" N., longitude 104°42'05" W.), which extends beyond a 6-mile radius of Peter-Field (latitude 38°48'35" N., longitude 104°42'20" W.) is no longer required.

Since this action is less restrictive in nature than currently designated airspace and imposes no additional burden on any person, notice and public procedure hereon is unnecessary.

In view of the foregoing in § 71.171 (37 F.R. 2056) the description of the Colorado Springs, Colo., control zone is amended to read as follows:

COLORADO SPRINGS, COLO.

Within a 6-mile radius of Peterson Field, Colorado Springs, Colo. (latitude 38°48'35" N., longitude 104°42'20" W.); within 2 miles each side of the Colorado Springs ILS localizer north course, extending from the 6-mile-radius zone to 7 miles north of the localizer, within 2 miles each side of the Colorado Springs VORTAC 205° radial extending from the 6-mile-radius zone to the VORTAC.

Effective date. This amendment will be effective 0901 (G.m.t.), July 20, 1972.

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

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

I. H. HOOVER,
Acting Director, Rocky Mountain Region.

[FR Doc.72-7299 Filed 5-12-72;8:46 am]

[Airspace Docket No. 72-RM-9]

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

Revocation of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the part-time control zone at Greenwood Village, Colo. (Arapahoe County Airport).

At Greenwood Village, Colo., there has been a part-time control zone. The effective hours of the control zone were published in the Airman's Information Manual (AIM), Part 3.

Among the requirements for any control zone is the necessity for a federally certified weather observer who must take hourly and special weather observations at the primary airport (the airport upon which the control zone is designated). These observations must be made during the days and hours the control zone is effective. However, at Greenwood Village there has not been a federally certified weather observer available for approximately 1 year. Accordingly, the entry in the AIM, Part 3, was changed to state that the Greenwood Village, Colo., control zone was "not in effect."

In view of the above, the Greenwood Village, Colo., control zone is being revoked. Should a federally certified weather observer subsequently become available who will provide all hourly and special weather observations, the control zone can again be designated.

The area around Arapahoe County Airport will continue to be served by the existing 700- and 1,200-foot Denver, Colo., transition area. Instrument approach capabilities will continue to exist for the Arapahoe County Airport.

Since this change imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as herein set forth.

In § 71.171 (37 F.R. 2056), the Greenwood Village, Colo., control zone is revoked.

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

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

I. H. HOOVER,
Acting Director,
Rocky Mountain Region.

[FR Doc.72-7298 Filed 5-12-72;8:46 am]

[Airspace Docket No. 72-GL-8]

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

Designation of Transition Area

On page 4218 of the FEDERAL REGISTER dated February 29, 1972, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Peebles, Ohio.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment. Two comments were received. The Air Transport Association concurred with the proposal. The Department of the Air Force objected if the proposal would have a detrimental effect on the Air Force operations in Restricted Area R5503. This operation will have no effect on the Air Force operations. Accordingly, the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901, G.m.t., July 20, 1972.

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

Issued in Des Plaines, Ill., on April 27, 1972.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

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

PEEBLES, OHIO

That airspace extending upward from 700 feet above the surface within a 7-mile radius of General Electric Airport (latitude 33°55'25" N., longitude 83°19'40" W.).

[FR Doc.72-7297 Filed 5-12-72;8:46 am]

[Airspace Docket No. 71-CE-113]

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

Designation of Control Zone and Alteration of Transition Area

On pages 2683 and 2684 of the FEDERAL REGISTER dated February 4, 1972, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a control zone and alter the transition area at Vichy, Mo.

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

No objections have been received and the proposed amendments are hereby adopted without change and are set forth below.

These amendments shall be effective 0901 (G.m.t.), July 20, 1972.

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

Issued in Kansas City, Mo., on April 27, 1972.

BROWNING ADAMS,
Acting Director,
Central Region.

(1) In § 71.171 (36 F.R. 2055), the following control zone is added:

VICHY, MO.

Within a 5-mile radius of the Rolla National Airport (latitude 38°07'40" N., longitude 91°46'10" W.); and within 3 miles each side of the 067° radial of the Vichy VORTAC extending from the 5-mile-radius zone to 6½ miles northeast of the Vichy VORTAC.

(2) In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

VICHY, MO.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Rolla National Airport (latitude 38°07'40" N., longitude 91°46'10" W.); and within 3 miles of each side of the 067° radial of the Vichy VORTAC, extending from 6½ radius area to 8½ miles northeast of the Vichy VORTAC; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southeast and 9½ miles northwest of the Vichy VORTAC 067° and 247° radials, extending from 4 miles southwest to 18½ miles northeast of the VORTAC; within 8 miles southeast and 6½ miles northwest of the Vichy VORTAC 062° and 242° radials, extending from 7 miles northeast to 24 miles southwest of the VORTAC; and within the arc of a 22½-mile-radius circle centered on the Vichy VORTAC, extending from the Vichy VORTAC 216° radial clockwise to the Vichy VORTAC 321° radial and that airspace south of Vichy VORTAC bounded on the northeast by the Vichy 138° radial, southeast by the 052° radial of Maples VORTAC, south by the 086° radial of the Forney AAF VOR, northwest by the Vichy 216° radial.

[FR Doc.72-7296 Filed 5-12-72;8:46 am]

[Airspace Docket No. 72-WE-14]

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

Alteration of Control Zone

On March 31, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 6595) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Crescent City, Calif., control zone.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

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

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

Issued in Los Angeles, Calif., on May 4, 1972.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

In § 71.171 (37 F.R. 2056) the description of the Crescent City, Calif., control zone is amended by adding: "This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual."

[FR Doc.72-7301 Filed 5-12-72;8:46 am]

[Airspace Docket No. 72-AL-5]

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

PART 73—SPECIAL USE AIRSPACE

Revocation of Restricted Area; Alteration of Continental Control Area; Alteration of Transition Area

The purpose of these amendments to Parts 71 and 73 of the Federal Aviation Regulations is to revoke Restricted Area R-2205B, Asa P. Gray Missile Range, Alaska, delete it from the Continental Control Area and delete it from the Fair-

banks, Alaska, transition area. The Department of the Army has concurred in this action.

Since these amendments restore airspace to the public use and relieve a restriction, notice and public procedure thereon are unnecessary, and good cause exists for making these amendments effective on less than 30 days' notice.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

1. Section 71.151 (37 F.R. 2045) is amended by deleting "R-2205B Asa P. Gray Missile Range, Alaska."

2. In § 71.181 (37 F.R. 2143) the Fairbanks, Alaska, transition area is amended by deleting "R-2205" and substituting "R-2205A" therefor.

3. In § 73.22 (37 F.R. 2334) Restricted Area R-2205B Asa P. Gray Missile Range, Alaska, is revoked.

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

Issued in Washington, D.C. on May 8, 1972.

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

[FR Doc.72-7302 Filed 5-12-72;8:46 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER D—HAZARDOUS SUBSTANCES

PART 191—HAZARDOUS SUBSTANCES: DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Confirmation of Effective Date of Order Classifying Household Products Containing Soluble Cyanide Salts as Banned Hazardous Substances

In the matter of classifying household products containing soluble cyanide salts as banned hazardous substances within the meaning of section 2(q)(1)(B) of the Federal Hazardous Substances Act:

Pursuant to provisions of the Federal Hazardous Substances Act (sec. 2(q)(1)(B), (2), 74 Stat. 374, as amended 80 Stat. 1304-05; 15 U.S.C. 1261) and of the Federal Food, Drug, and Cosmetic Act (sec. 701(e), 52 Stat. 1055, as amended; 21 U.S.C. 371(e)), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of March 7, 1972 (37 F.R. 4909). Accordingly, the regulation promulgated thereby (21 CFR 191.9(a)(5)) became effective April 21, 1972.

Dated: May 4, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-7286 Filed 5-12-72;8:47 am]

Title 23—HIGHWAYS

Chapter II—Highway Safety Program Standards, Department of Transportation

PART 204—UNIFORM STANDARDS FOR STATE HIGHWAY SAFETY PROGRAMS

Accident Investigation and Reporting

Government agencies at all levels meet the responsibility for safety on the highway transportation system through various programs of control such as motor vehicle inspection, driver standards, traffic law enforcement, uniform traffic control devices, highway design standards, and motor vehicle safety regulations.

Each agency needs information to plan, implement, and evaluate the effectiveness of its program, and to identify new requirements. Common to all programs is the need for factual information on the "who, what, when, where, why, and how" on motor vehicle traffic accidents. Such data are acquired through uniform accident investigation procedures, and are systematically entered into an efficient traffic records system. They provide the basic means for identifying and understanding accident and injury causation.

The various government agencies then have the objective tools needed to measure the magnitude and identify characteristics of the problem, determine needed legislation, allocate resources to accident prevention programs, plan research programs, and evaluate ongoing programs in terms of reductions in deaths and injury totals and property damage.

The purpose of this amendment is to add to Part 204 of Title 23, Code of Federal Regulations, a Highway Safety Program Standard on Accident Investigation and Reporting. It is designed to establish criteria for uniform, comprehensive systems for collecting accident information data. It has been distributed to the States and other parties for comment. All comments and suggestions have been carefully considered; and the standard has been developed in cooperation with the States, their political subdivisions, appropriate Federal departments and agencies, and other interested groups and individuals. Recommendations of the National Highway Safety Advisory Committee, which are summarized in the attachment, also have been considered.

In consideration of the foregoing, 23 CFR 204.4 is hereby amended, by adding Highway Safety Program Standard No. 18, Accident Investigation and Reporting, effective 30 days after publication in the FEDERAL REGISTER.

This standard is issued under authority of sections 315, 401, and 402 of title 23, United States Code, and the delegation of authority at 49 CFR 1.51 (35 F.R. 4955).

Issued on May 8, 1972.

DOUGLAS W. TOMS,
Administrator.

§ 204.4 Highway Safety Program Standards.

HIGHWAY SAFETY PROGRAM STANDARD No. 18

ACCIDENT INVESTIGATION AND REPORTING

I. *Scope.* This standard establishes minimum requirements for a State highway safety program for accident investigation and reporting.

II. *Purpose.* The purpose of this standard is to establish a uniform, comprehensive motor vehicle traffic accident investigation program for gathering information—who, what, when, where, why, and how—on motor vehicle traffic accidents and associated deaths, injuries, and property damage; and entering the information into the traffic records system for use in planning, evaluating, and furthering highway safety program goals.

III. *Definitions.* For the purpose of this standard the following definitions apply:

Accident—an unintended event resulting in injury or damage, involving one or more motor vehicles on a highway that is publicly maintained and open to the public for vehicular travel.

Highway—the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Motor vehicle—any vehicle driven or drawn by mechanical power manufactured primarily for use on the public streets, roads, and highways, except any vehicle operated exclusively on a rail or rails.

IV. *Requirements.* Each State, in cooperation with its political subdivisions, shall have an accident investigation program meeting the requirements established herein.

A. *Administration.* 1. There shall be a State agency having primary responsibility for administration and supervision of storing and processing accident information, and providing information needed by user agencies.

2. There shall be employed at all levels of government adequate numbers of personnel, properly trained and qualified, to conduct accident investigations and process the resulting information.

3. Nothing in this standard shall preclude the use of personnel other than police officers, in carrying out the requirements of this standard in accordance with laws and policies established by State and/or local governments.

4. Procedures shall be established to assure coordination, cooperation, and exchange of information among local, State, and Federal agencies having responsibility for the investigation of accidents and subsequent processing of resulting data.

5. Each State shall establish procedures for entering accident information into the statewide traffic records system established pursuant to Highway Safety Program Standard No. 10, Traffic Records, and for assuring uniformity and compatibility of this data with the requirements of the system, including as a minimum:

a. Use of uniform definitions and classifications acceptable to the National Highway Traffic Safety Administration and identified in the Highway Safety Program Manual.

b. A standard format for input of data into the statewide traffic records system.

c. Entry into the statewide traffic records system of information gathered and submitted to the responsible State agency.

B. *Accident reporting.* Each State shall establish procedures which require the reporting of accidents to the responsible State agency within a reasonable time after occurrence.

C. *Owner and driver reports.* 1. In accidents involving only property damage, where the vehicle can be normally and safely driven away from the scene, the drivers or owners of vehicles involved shall be required to submit a written report consistent with State reporting requirements, to the responsible State agency. A vehicle shall be considered capable of being normally and safely driven if it does not require towing and can be operated under its own power, in its customary manner, without further damage or hazard to itself, other traffic elements, or the roadway. Each report so submitted shall include, as a minimum, the following information relating to the accident:

a. Location.

b. Time.

c. Identification of driver(s).

d. Identification of pedestrian(s), passenger(s), or pedal-cyclist(s).

e. Identification of vehicle(s).

f. Direction of travel of each unit.

g. Other property involved.

h. Environmental conditions existing at the time of the accident.

i. A narrative description of the events and circumstances leading up to the time of impact, and immediately after impact.

2. In all other accidents, the drivers or owners of motor vehicles involved shall be required to immediately notify the police of the jurisdiction in which the accident occurred. This includes, but is not limited to accidents involving: (1) Fatal or nonfatal personal injury, or (2) damage to the extent that any motor vehicle involved cannot be driven under its own power, in its customary manner, without further damage or hazard to itself, other traffic elements, or the roadway, and therefore requires towing.

D. *Accident investigation.* Each State shall establish a plan for accident investigation and reporting which shall meet the following criteria:

1. Police investigation shall be conducted of all accidents as identified in section IV.C.2 above. Information gathered shall be consistent with the police mission of detecting and apprehending law violators, and shall include, as a minimum, the following:

a. Violation(s), if any occurred, cited by section and subsection, numbers and titles of the State code, that (1) contributed to the accident where the investigating officer has reason to believe that violations were committed regardless of whether the officer has sufficient evidence to prove the violation(s); and (2) for which the driver was arrested or cited.

b. Information necessary to prove each of the elements of the offense(s) for which the driver was arrested or cited.

c. Information, collected in accordance with the program established under Highway Safety Program Standard No. 15, Police Traffic Services, section I–D, relating to human, vehicular, and highway factors causing individual accidents, injuries, and deaths, including failure to use safety belts.

2. Accident investigation terms shall be established, representing different interest areas, such as police; traffic; highway and automotive engineering; medical, behavioral, and social sciences. Data gathered by each member of the investigation team should be consistent with the mission of the member's agency, and should be for the purpose of determining probable causes of accidents, injuries, and deaths. These teams shall conduct investigations of an appropriate sampling of accidents in which there were one or more of the following conditions:

a. Locations that have a similarity of design, traffic engineering characteristics, or environmental conditions, and that have a significantly large or disproportionate number of accidents.

b. Motor vehicles or motor vehicle parts that are involved in a significantly large or disproportionate number of accidents or injury-producing accidents.

c. Drivers, pedestrians, and vehicle occupants of a particular age, sex, or other grouping, who are involved in a significantly large or disproportionate number of motor vehicle traffic accidents or injuries.

d. Accidents in which causation or the resulting injuries and property damage are not readily explainable in terms of conditions or circumstances that prevailed.

e. Other factors that concern State and national emphasis programs.

V. *Evaluation.* The program shall be evaluated at least annually by the State. Substance of the evaluation report shall be guided by Chapter V of the Highway Safety Program Manual. The National Highway Traffic Safety Administration shall be provided with a copy of the evaluation report.

Summary of comments and recommendations made by the National Highway Safety Advisory Committee on the Accident Investigation and Reporting Standard. As required by statute, the National Highway Safety Advisory Committee reviewed the Accident Investigation and Reporting Standard and made comments and recommendations to the Secretary of Transportation in May and November 1970, summarized as follows:

1. The Committee endorsed the Accident Investigation and Reporting Standard, as proposed in the final draft, but strongly urged that many details be deleted from the standard and be published instead in the accompanying program manual;

2. The Committee was concerned with the practical problems associated with the mandatory reporting of all accidents, but recommended, after considerable debate, that all accidents should be reported. The Committee stressed that the quantity of information to be reported should be markedly reduced and that the details of reportable data should be covered in the accompanying program manual and not in the standard;

3. Although the Committee supported the standard as proposed, there was minority dissent from the Committee's endorsement of the final standard, as follows: Objection to the provision requiring citizen reporting of all crashes without a specific dollar threshold; objection to the requirement that accidents be reported to a single State agency; and a suggestion that the Accident Investigation and Reporting Standard be merged with existing standards rather than issued as a new standard. In support of the Committee's position, other members indicated the desirability of having a nationally uniform accident reporting system; that experience with citizen reporting of crashes has already proved satisfactory in many States; that a specific "dollar limit" in citizen reporting of crashes is too subjective for use as a uniform threshold; and that the public will probably accept the responsibility of reporting crashes to a State agency.

[FR Doc.72-7282 Filed 5-12-72;8:49 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Eligible Communities

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table. This entry differs from prior entries to the table in that a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or under the regular flood insurance program. The entry reads as follows:

§ 1914.4 **List of eligible communities.**

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
California	Orange	Newport Beach				May 12, 1972 Emergency.
Indiana	Jay	Portland	I 18 075 4040 01 I 18 075 4040 02	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	Office of the City Clerk Treasurer, City Hall, Portland, Ind. 47871.	Sept. 24, 1971 Emergency. May 12, 1972 Regular.
Minnesota	Washington	Bayport	I 27 163 0430 01	Division of Waters, Soils, and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Office of the Village Clerk, Village Hall, Bayport, Minn. 55003.	Apr. 2, 1971 Emergency. May 12, 1972 Regular.
Do	do	Cottage Grove				May 12, 1972 Emergency.
New Jersey	Monmouth	Belmar Borough	I 34 025 0250 01	Division of Water Resources, Department of Environmental Protection, Post Office Box 1390, Trenton, NJ 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Office of the Municipal Clerk, Borough of Belmar, Belmar, N.J. 07719.	Mar. 24, 1971 Emergency. May 12, 1972 Regular.
Do	do	Manasquan Borough.	I 34 025 1800 03	do	Office of the Borough Clerk, Borough Hall, 15 Taylor Ave., Manasquan, NJ 08736.	Mar. 24, 1971 Emergency. May 12, 1972 Regular.
Do	Essex	Bloomfield				May 12, 1972 Emergency.
New York	Westchester	Mamaroneck Town.				Do.
North Carolina	Dare	Southern Shores	I 37 055 0000 01 I 37 055 0000 02	North Carolina Office of Water and Air Resources, Department of Natural and Economic Resources, Post Office Box 27687, Raleigh, NC 27611. North Carolina Insurance Department, Fost Office Box 26387, Raleigh, NC 27611.	Office of the Register of Deeds, Dare County Courthouse, Manteo, N.C. 27954.	Apr. 8, 1971 Emergency. May 12, 1972 Regular.
North Dakota	Cass	Unincorporated areas.	I 38 017 0000 01 through I 38 017 0000 10	State Water Commission, State Office Bldg., 900 East Blvd., Bismarck, ND 58501. North Dakota Insurance Department, State Capitol, Bismarck, N. Dak. 58501.	County Courthouse, Cass County, Fargo, N. Dak. 58102	Mar. 24, 1971 Emergency. May 12, 1972 Regular.
Pennsylvania	Lancaster	Lancaster				Do.
Do	Mercer	Mercer Borough				Do.
Do	Delaware	Rose Valley Borough.				Do.
Wisconsin	Manitowoc	Mishicot	I 55 071 3125 01	Department of Natural Resources, Post Office Box 450, Madison, WI 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, WI 53703.	Village Hall, Village of Mishicot, Mishicot, Wis. 54228.	Apr. 8, 1971 Emergency. May 12, 1972 Regular.
Do	Trempealeau	Strum	I 55 121 4680 01	do	Village of Strum Office, 202 Fifth Ave., South, Strum, WI 54770.	Apr. 8, 1971 Emergency. May 12, 1972 Regular.

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

Issued: May 4, 1972

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72-7241 Filed 5-12-72;8:45 am]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Eligible Communities

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table. This entry differs from prior entries to the table in that a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies (1) the effective date of the authorization of the sale of flood insurance in the area under the emergency or under the regular flood insurance program; or (2) the effective date of a community's withdrawal from the program. The entry reads as follows:

§ 1914.4 List of eligible communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Arizona	Cochise	Willcox				May 19, 1972 Emergency.
Connecticut	Litchfield	Torrington	I 09 005 0760 02 through I 09 005 0760 13.	Department of Environmental Protection, Director of Water and Related Resources, Room 225 State Office Bldg., Hartford, Conn. 06115. Connecticut Insurance Department, State Capitol Bldg., 165 Capitol Ave., Hartford, CT 06115.	Municipal Bldg., City of Torrington, Torrington, Conn. 06790.	July 1, 1970 Emergency. May 19, 1972 Regular.
Florida	Martin	Unincorporated areas.				May 19, 1972 Emergency.
Indiana	Lake	Highland	I 18 089 2090 01 I 18 089 2090 02	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	Town Hall, 3333 Ridge Rd., Highland, IN 46322.	May 21, 1971 Emergency. May 19, 1972 Regular.
Kansas	Ford	Dodge City	I 20 057 1370 01 I 20 057 1370 02	Division of Water Resources, State Board of Agriculture, Topeka, Kans. 66612. Kansas Insurance Department, First Floor, Statehouse, Topeka, Kans. 66612.	Office of the City Manager, 705 First Avenue, Dodge City, KS 67801.	June 9, 1971 Emergency. May 19, 1972 Regular.
Montana	Cascade	Great Falls				Do.
Oregon	Clackamas	Milwaukie				May 19, 1972 Emergency.
Do.	Multnomah	Portland				Do.
Pennsylvania	Allegheny	Elizabeth Township.				Do.
Texas	Harris	Webster	I 48 201 7286 08 through I 48 201 7286 14	Texas Water Development Board, Post Office Box 13087, Capitol Station, Austin, Tex. 78711. Texas Insurance Department, 1110 San Jacinto St., Austin, TX 78701.	City Hall, 311 Pennsylvania Ave., Webster, TX 77598.	Oct. 30, 1970 Emergency. May 19, 1972 Regular.
Do.	Kleberg	Kingsville				Oct. 9, 1970 Emergency. Feb. 26, 1971 Regular. May 19, 1972 Withdrawal.

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

Issued: May 8, 1972.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72-7239 Filed 5-12-72;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

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

§ 1915.3 List of communities with special hazard areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
California	Orange	Newport Beach				May 12, 1972.
Indiana	Jay	Portland	H 18 075 4040 01 H 18 075 4040 02	Division of Water, Dept. of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Dept., 509 State Office Bldg., Indianapolis, Ind. 46204.	Office of the City Clerk Treasurer, City Hall, Portland, Ind. 47871.	Sept. 24, 1971.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Minnesota	Washington	Bayport	H 27 163 0430 01	Division of Waters, Soils and Minerals, Dept. of Natural Resources, Centennial Office Bldg., St. Paul, Minnesota 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minnesota 55101.	Office of the Village Clerk, Village Hall, Bayport, Minn. 55003.	Apr. 2, 1971.
Do	do	Cottage Grove				May 12, 1972.
New Jersey	Monmouth	Belmar Borough	H 34 025 0250 01	Division of Water Resources, Dept. of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. New Jersey Dept. of Insurance, State House Annex, Trenton, N.J. 08625.	Office of the Municipal Clerk, Borough of Belmar, Belmar, N.J. 07719.	Mar. 24, 1971.
Do	do	Manasquan Borough.	H 34 025 1800 03	do	Office of the Borough Clerk, Borough Hall, 15 Taylor Ave., Manasquan, NJ 08736.	Do.
Do	Essex	Bloomfield				May 12, 1972.
New York	Westchester	Mamaroneck Town.				Do.
North Carolina	Dare	Southern Shores	H 37 055 0000 01 H 37 055 0000 02	North Carolina Office of Water and Air Resources, Department of Natural and Economic Resources, Post Office Box 27687, Raleigh, NC 27611. North Carolina Insurance Department, Post Office Box 26387, Raleigh, NC 27611.	Office of the Register of Deeds, Dare County Courthouse, Manteo, N.C. 27954.	Apr. 8, 1971.
North Dakota	Cass	Unincorporated areas.	H 38 017 0000 01 through H 38 017 0000 10	State Water Commission, State Office Bldg., 900 East Blvd., Bismarck, ND 58501. North Dakota Insurance Department, State Capitol, Bismarck, N. Dak. 58501.	County Courthouse, Cass County, Fargo, N. Dak. 58102.	Mar. 24, 1971.
Pennsylvania	Lancaster	Lancaster				May 12, 1972.
Do	Mercer	Mercer Borough				Do.
Do	Delaware	Rose Valley Borough.				Do.
Wisconsin	Manitowoc	Mishicot	H 55 071 3125 01	Department of Natural Resources, Post Office Box 450, Madison, WI 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, WI 53703.	Village Hall, Village of Mishicot, Mishicot, Wis. 54228.	Apr. 8, 1971.
Do	Trempealeau	Strum	H 55 121 4680 01	do	Village of Strum Office, 202 Fifth Ave., South, Strum, WI 54770.	Do.

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

Issued: May 4, 1972

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72-7242 Filed 5-12-72;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

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

§ 1915.3 List of communities with special hazard areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Arizona	Cochise	Willcox				May 19, 1972.
Connecticut	Litchfield	Torrington	H 09 005 0760 02 through H 09 005 0760 13.	Department of Environmental Protection, Director of Water and Related Resources, Room 225 State Office Bldg., Hartford, Conn. 06115. Connecticut Insurance Department, State Capitol Bldg., 165 Capitol Ave., Hartford, CT 06115.	Municipal Bldg., City of Torrington, Torrington, Conn. 06790.	July 1, 1970.
Florida	Martin	Unincorporated areas.				May 19, 1972.
Indiana	Lake	Highland	H 18 089 2090 01 H 18 089 2090 02	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	Town Hall, 3333 Ridge Rd., Highland, Ind. 46322.	May 21, 1971.
Kansas	Ford	Dodge City	H 20 057 1370 01 H 20 057 1370 02	Division of Water Resources, State Board of Agriculture, Topeka, Kans. 66612. Kansas Insurance Department, First Floor, Statehouse, Topeka, Kans. 66612.	Office of the City Manager, 705 First Ave., Dodge City, KS 67801.	June 9, 1971.
Montana	Cascade	Great Falls				May 19, 1972.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Oregon	Clackamas	Milwaukie				Do.
Do	Multnomah	Portland				Do.
Pennsylvania	Allegheny	Elizabeth Township.				Do.
Texas	Harris	Webster	H 48 201 7286 08 through H 48 201 7286 14.	Texas Water Development Board, Post Office Box 13087, Capitol Station, Austin, TX 78711. Texas Insurance Department, 1110 San Jacinto St., Austin, TX 78701.	City Hall, 311 Pennsylvania Ave., Webster, TX 77598.	Oct. 30, 1970.

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

Issued: May 8, 1972.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72-7240 Filed 5-12-72;8:45 am]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER W—MISCELLANEOUS ACTIVITIES

PART 251—LICENSED INDIAN TRADERS

Leases or Sales of Restricted Indian Land

MAY 5, 1972.

This notice is published in the exercise of rule making authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 F.R. 13938). The authority to issue regulations on Indian affairs is vested in the Secretary of the Interior by sections 463 and 465 of the Revised Statutes (5 U.S.C. 301; 25 U.S.C. 2 and 9).

Part 251, Subchapter W, Chapter I, of Title 25 of the Code of Federal Regulations is amended by the revision of § 251.5(c). This revision will enable Indian employees of the U.S. Government to engage in the sale or leasing of trust or restricted Indian land under less stringent regulations than previously required by removing the stipulation that such transactions must be made on sealed bids unless the Commissioner of Indian Affairs waives this requirement on the basis that public bids are not feasible and could not be expected to bring a higher price than the proposed private transaction. The revision will also permit Indian employees of the U.S. Government, who qualify, to utilize § 121.18 (b) and (c) with regard to sales and conveyances of Indian trust or restricted land for less than the appraised value of the land.

This revision relieves a restriction which limits the options in the sale or leasing of Indian land available to those Indian people employed by the U.S. Government. Advance notice and public procedure thereon would delay the removal of this restriction to the detriment of such Indian people and has been deemed contrary to the public interest. Therefore, advance notice and public procedure are dispensed with under the exception provided in subsection (b)(B) of 5 U.S.C. 553 (1970).

Since this revision relieves a restriction, the 30-day deferred effective date is dispensed with under the exception provided in subsection (d)(1) of 5 U.S.C. 553 (1970). Accordingly, these regulations will become effective upon the date of publication in the FEDERAL REGISTER (5-13-72).

As revised § 251.5(c) reads as follows:

§ 251.5 Government employees not to trade with Indians except in certain cases.

* * * * *

(c) Leases or sales of restricted Indian land. Leases or sales of trust or restricted Indian land to or from Indian employees of the U.S. Government must be made on sealed bids unless the Commissioner of Indian Affairs waives this requirement on the basis of a full report showing (1) the need for the transaction, (2) the benefits accruing to both parties, and (3) that the consideration for the proposed transaction shall be not less than the appraised value of the land or leasehold interest unless the Indian employee qualifies and is intending a transaction in accordance with § 121.18 (b) and (c) of this chapter or § 131.5(b) (1), (2), and (3) of this chapter. An affidavit as follows shall accompany each proposed land transaction:

I, _____,
(Name)
_____, swear (or affirm)
(Title)
that I have not exercised any undue influence nor used any special knowledge received by reason of my office in obtaining the (grantor's, purchaser's, vendor's) consent to the instant transaction.

JOHN O. CROW,
Deputy Commissioner.

[FR Doc.72-7325 Filed 5-12-72;8:49 am]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Directive 13, Supp. 2]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart R—Bureau of Narcotics and Dangerous Drugs

DELEGATION OF ADDITIONAL AUTHORITY

Under the authority delegated by the Attorney General pursuant to Order 450-71, 36 F.R. 981, regarding delegating functions under the "Comprehensive Drug Abuse Prevention and Control Act of 1970" (hereinafter referred to as the Act) and Part 0 of Title 28 of the Code of Federal Regulations, the appendix to Subpart R (§§ 0.100 and 1.101), Directive No. 13, Supplement 1 (36 F.R. 15432, Aug. 14, 1971), is hereby supplemented by adding paragraph (3) to read as follows:

BUREAU AGENTS

DELEGATION OF ADDITIONAL AUTHORITY

* * * * *

(3) All compliance investigators, Series 1810, under Civil Service Commission regulations, may administer oaths under section 505 of the Act; serve subpenas under sections 505 and 506 of the Act; and avail themselves of all necessary powers, rights, privileges, and duties contained in section 508(2) with respect to administrative inspection warrants, subpenas and summonses, and 508(4) with respect to compliance and registration inspections and investigations only under section 511 (except rulings on petitions for remission or mitigation of forfeitures); 510 of the Act and 1015 of the Act.

* * * * *

Dated: May 9, 1972.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.72-7337 Filed 5-12-72;8:50 am]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER E—DEFENSE CONTRACTING

PART 163—DEFENSE CONTRACT FINANCING REGULATIONS

Miscellaneous Amendments

Part 163 of Title 32 is amended by amending § 163.57–1(b) and by revising §§ 163.72–3, 163.72–4, 163.82–2, 163.88, and 163.94–3 to read as follows:

§ 163.57–1 Special contract provisions.

* * * * *

(b) Include appropriate clauses required by the Act and Executive Order (§ 17.102 of this chapter) or by other applicable regulations. (See §§ 7.104–15 and 7.402–7 of this chapter.)

§ 163.72–3 Indefinite quantity contracts—basic ordering agreements.

For indefinite quantity contracts (§ 3.409–3 of this chapter) and basic ordering agreements (§ 3.410–2 of this chapter) contemplating requisitions, delivery orders, work orders, task orders, job orders or their equivalent, if the contractor meets all other requirements for customary progress payments, the decision as to whether progress payments come within the customary category will depend upon estimates of the amount of work expected to be done, and the production leadtime expected to be necessary for the major part of the work anticipated. In these cases, provision for progress payments in the indefinite quantity contract or basic ordering agreement may be deemed customary if the amounts involved, and the production leadtime, will result in the substantial equivalent of the customary progress payments. Insofar as practicable, the progress payment provision of an indefinite quantity contract or basic ordering agreement shall fix a single liquidation rate to be applicable to all procurement actions under that agreement. The standards for unusual progress payments govern when progress payments are not of the customary type.

§ 163.72–4 Administration.

(a) When progress payments are provided for in indefinite quantity contracts or basic ordering agreements (§ 163.72–3), or on separate orders or calls or their equivalent qualifying for progress payments (§ 163.72), then, for progress payment purposes all procurement actions under the basic contract, (1) involving progress payments on a procurement action, and (2) having a single uniform liquidation rate, and (3) for payment by a single paying office (§ 1.201–30 of this chapter), may be grouped and aggregated so that the contract price, costs, payments, and liquidations will be handled in the same way as if all such procurement actions constituted work under a single fixed-price type contract.

(b) Except as provided in paragraph (a) of this section, for progress payment purposes, each order, call, or equivalent procurement action, with progress payments, will be treated as a separate contract.

§ 163.82–2 Adaptation of uniform clause for subcontracts.

(a) Contracting officers are not required to review or approve subcontracts merely because they provide for progress payments. However, they shall check and review subcontracts providing for progress payments to the extent appropriate in the ordinary course of administration of the Progress Payment clause of prime contracts. The duty rests on the prime contractor to see to it that his subcontracts providing for progress payments, to be included in the base for progress payments pursuant to the provisions of paragraph (j) of the clause in § 163.79–1 conform to those provisions of the contract (paragraph (j) of the clause in § 163.79–1). In adapting the clause set forth in § 163.79–1 for use in subcontracts, to conform to paragraph (j) of the clause in § 163.79–1 the subcontract Progress Payment clause should have appropriate changes to reflect the position of the prime contractor as purchaser and of the subcontractor as vendor, and to indicate that the progress payments under the subcontract are being made and administered by the prime contractor. However, the title provision of the Progress Payment clause of the subcontract shall provide for the vesting of title directly in the Government, as set forth in paragraph (d) of the clause in § 163.79–1, and the subcontract will not substitute the prime contractor for the Government as the holder of title under that paragraph of the subcontract. In that title paragraph of the subcontract, reference to the prime contractor should, however, be substituted for the word "Government" in the parenthetical expression concerning drawings and technical data. In the subcontract counterpart of paragraph (g) of the clause in § 163.79–1 entitled "Reports—Access to Records" the references to "Contracting Officer" and "Government" should not be deleted, but may in each case be expanded so as to refer to the "Contracting Officer or the prime contractor," (paragraph (g)(i) of the clause or the prime contractor" (paragraph in § 163.79–1) and to the "Government (g)(ii) of the clause in § 163.79–1).

(b) With regard to the subcontract counterpart of the "Special Provisions Regarding Default" (paragraph (h) of the clause in § 163.79–1 only the substance of the first 26 words of that paragraph (with reference to the prime contractor substituted for "Government"), is required for conformity to the provisions of paragraph (j)(2) of the clause in § 163.79–1.

§ 163.88 Contractor's request.

All invoices for progress payments on contracts containing the Progress Payment clause set out in § 163.79, and on contracts containing any deviation from that clause approved pursuant to §§ 163.86 and 163.87, will be supported by the Contractor's Request for Progress Payment (DD Form 1195) with any supporting information that may be reasonably required. The use of this form is subject to the instructions set forth on the reverse thereof. The instruction for Item 4 of the DD Form 1195 requires that Item 4 of that form shall contain the full contract number, including supplementary procurement instrument (call/order) identification numbers, for progress payments in the cases mentioned in the last sentence of the clause in § 163.72–4.

§ 163.94–3 Special tooling.

When the contractor furnishes special tooling as defined in § 13.101–5 of this chapter, pursuant to a special tooling clause (see § 7.104–25 of this chapter), and such special tooling is not to be delivered to the Government as an end item under the contract, the handling and disposition of such special tooling will be governed by the Special Tooling clause of the contract, even though title to such special tooling is held by the Government pursuant to the progress payment clause of the contract.

[Revisions 7, 8, and 9 to the ASPR dated Feb. 27, 1970, Sept. 30, 1970, and Apr. 30, 1971 respectively] (Secs. 2202, 2301–2314, 70A Stat. 120, 127–133; 10 U.S.C. 2202, 2301–2314)

For the Adjutant General.

R. B. BELNAP,
Special Advisor to TAG.

[FR Doc.72–7343 Filed 5–12–72;8:51 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

PART 2—PUBLIC INFORMATION

Trade Secrets and Privileged or Confidential Information

On December 3, 1971, the Environmental Protection Agency published, at 36 F.R. 23058, final regulations to implement the Freedom of Information Act provisions of 5 U.S.C. 552. On the same date, EPA proposed amendments, at 36 F.R. 23077, to add a new § 2.107a to those final regulations. The new section was proposed to deal with the issues raised by requests for information said to contain trade secrets or other confidential information, and therefore exempt from mandatory public disclosure under 5 U.S.C. 552(b)(4) and § 2.105(a)(4) of the EPA regulations. Public comment was invited on the amendments, and the time for comment was subsequently extended through February 2, 1972, by a notice published at 37 F.R. 621 (January 14, 1972).

The amendments published here have been modified as a result of comments received. It is appropriate at this time to set forth EPA's reasons for proposing the amendments and for including in them the changes reflected below.

It became clear during the first year of EPA's existence that it could expect to receive a comparatively large number of requests from members of the public for information submitted by other members of the public, particularly by regulated industries.

Much of the information requested, however, was information of the sort described in 5 U.S.C. 552(b)(4), and exempted from mandatory public disclosure as "trade secrets and commercial or financial information which is privileged or confidential * * *" It is EPA's position that some of the information described in 5 U.S.C. 552(b)(4) is required to be kept confidential—most notably, trade secrets. This requirement is not imposed by 5 U.S.C. 552(b)(4), since the exceptions in the Freedom of Information Act are merely a list of those types of information which an agency may withhold. Accordingly, if an agency is required to withhold information, it is by virtue of some other statutory provision. In this case it is 18 U.S.C. 1905, which makes it a criminal offense for a government employee to release trade secrets and certain specified financial information, in the absence of express statutory authority to do so. (For an example of such authority, see section 307(a)(1) of the Clean Air Act, as amended, 42 U.S.C. 1857h-5, which permits the disclosure of trade secrets "when relevant in any proceeding under this Act.")

Because the categories of information listed in 5 U.S.C. 552(b) are broader than the categories of information which an agency must at all times withhold, EPA faced two principal problems in administering the Freedom of Information Act with respect to requests for certain information submitted by industry.

First, it needed to establish procedures for ascertaining when a bona fide trade secret was in its hands. Paragraph (a) of the new § 2.107a attempts to fulfill this need. Paragraph (a) is largely unchanged in substance from the version previously proposed. In response to several thoughtful comments, however, it was decided that certain time limits established by other sections of Part 2 need not be suspended unless a question actually arises as to whether information requested constitutes trade secrets. Thus, paragraph (a)(3), as adopted, differs from the proposal in being contingent on receipt of a claim of trade secrecy. On the other hand, and notwithstanding several comments received, it is not felt that the General Counsel could respond intelligently to many disputed claims of trade secrecy within the maximum of 10 working days provided for in cases involving other exemptions. EPA has received single requests for several hundred separate items of information claimed to be trade secrets, and it anticipates that such requests may be relatively frequent. While EPA will try to make determinations as quickly as possible, it cannot in good faith bind itself to an unrealistically short deadline, particularly where its decisions on complex issues of fact and law will affect private property rights.

In addition, a new subparagraph permitting "advisory opinions" on trade secrecy claims has been added by subparagraph (4) of § 2.107a(a). This is a procedure suggested by several comments—which came, interestingly, from organizations having presumbaly divergent interests.

However, EPA has rejected the suggestion that paragraph (a) be changed to require formal administrative hearings, and notes that 5 U.S.C. 552(a)(3) authorizes de novo judicial review.

The final noteworthy change in paragraph (a) relates to the status of information submitted in support of a claim of trade secrecy. It was formerly EPA's presumption that such information would always be eligible for discretionary withholding under 5 U.S.C. 552(b)(4). On reconsideration, it appears that that presumption may be unjustified, as in the case of submissions which are argumentative in nature. Accordingly, submissions in support of claims of trade secrecy will be treated like any other information in the hands of EPA.

In addition to clarifying the procedures for determining when information is a "trade secret" and therefore subject to mandatory restrictions against public disclosure, the amendments published today also define that information which is "privileged or confidential" and which EPA will withhold from the public, even though not required to do so. (Many otherwise thoughtful comments erroneously assumed that any information covered by 5 U.S.C. 552(b)(4) must be withheld from the public, and that an agency has no discretion to release it.) Paragraph (b) of the new § 2.107a states, in effect, that when a private party is required to submit information which EPA is not legally required to keep confidential, EPA will not agree to withhold that information from the public. On the other hand, when EPA wishes to obtain the voluntary cooperation of a private party—as, for example, when it invites contract or grant proposals, or when it wishes to inform itself on the state-of-the-art of pollution abatement—it must be free to give assurances that the submitted information will not be avaliable to competitors of the party making the submission.

Paragraph (b), as adopted, contains no substantial changes from the proposed version, except that it binds EPA to honor pledges of confidentiality made by government agencies when EPA has received from them information which it has no legal right to obtain directly from the original private source.

For the foregoing reasons, Part 2 of Title 40, Code of Federal Regulations, is hereby amended as follows, effective 30 days following publication in the FEDERAL REGISTER (6-12-72):

1. The table of contents at the beginning of Part 2 is amended by inserting therein in sequence:

Sec.
2.107a Trade secrets and privileged or confidential information.

2. A new § 2.107a is added, reading as follows:

§ 2.107a Trade secrets and privileged or confidential information.

(a) *Trade secrets.* (1) In the event records requested under this part may contain trade secrets, the office responsible for maintaining the records requested will forward the request for determination and accompanying materials referred to in § 2.105(b) only to the Office of General Counsel, and the notice referred to in § 2.105(b), unless published in the FEDERAL REGISTER, will be sent by certified mail (return receipt requested): *Provided,* That notice under § 2.105(b) need not be given if similar notice was given prior to referring the matter to the Office of General Counsel.

(2) If a person to whom notice of a request for records has been given under § 2.105(b), or otherwise, advises the Office of General Counsel, in writing, prior to the expiration of 10 working days following the receipt or publication of such notice, that the requested records contain trade secrets furnished by such person, the portions of such records said to contain trade secrets shall not be disclosed, nor copies provided, unless the General Counsel shall first have made a final written determination that such records do not in fact contain trade secrets, or unless such disclosure is authorized by statute in spite of the provisions of 18 U.S.C. 1905. In the event no claim or other response is received by the Office of General Counsel prior to the expiration of the 10 working days specified herein, it will, before reaching a determination with respect to trade secrecy, make prompt inquiries to ensure that the absence of a response hereunder is not attributable to delay or failure of the mails. A claim, including a claim asserted by telephone, made at the time of such inquiries and confirmed in writing will be considered timely for purposes of subparagraph (3) of this paragraph. The Office of General Counsel will promptly notify the requesting party whenever a claim is made under this subparagraph. In making a determination under this subparagraph, the General Counsel will consider any additional information submitted to the Office of General Counsel within 30 days of receipt of a claim made hereunder, or within such longer time period requested by the claimant or the requesting party as it may agree to. If authorized by 5 U.S.C. 552(b)(4), the Office of General Counsel may agree to treat any such additional information as confidential at the request of the person submitting it, in which case it will not be disclosed without the express written permission of the person submitting it. If the General Counsel determines that the records requested do not contain trade secrets, notice of such determination will be served by certified mail by the Office of General Counsel upon the person making the claim. No sooner than 30 days following the mailing of such notice, the requested records will be disclosed in accordance with this part.

(3) In the event a timely claim is made under subparagraph (2) of this paragraph, the time limits specified in §§ 2.-

106(a) and 2.109(b) will not apply. In addition, the time limit specified in § 2.-106(a) will be extended to include the time required for the prompt inquiries by the Office of General Counsel, referred to in subparagraph (2) of this paragraph.

(4) On request of an interested party, the General Counsel may issue written determinations as to whether specified information contained in EPA records does or does not constitute trade secrets, whether or not a request for information has been made under this part. In the event a request is subsequently made under this part for information previously so determined to constitute trade secrets, EPA will be bound by that previous determination, unless the General Counsel: (i) Determines that subsequent events have destroyed the trade secrecy of the information in question, and (ii) gives written notice of such determination, and a full explanation of the basis therefor, to any person making a claim under subparagraph (2) of this paragraph.

(b) *Privileged or confidential information.* (1) Privileged or confidential information (other than trade secrets or financial information the disclosure of which is prohibited by 18 U.S.C. 1905), which is referred to in 5 U.S.C. 552(b)(4) and § 2.105(a)(4), and defined in subparagraph (2) of this paragraph, will not be disclosed under this part without the express written permission of the person providing it to EPA.

(2) For purposes of this paragraph, "privileged or confidential information" means information which an agency is authorized (but not required) by law to withhold from the public and which is either:

(i) Submitted to EPA pursuant to, and in reliance on, a pledge of confidentiality contained in any EPA form, or obtained in writing from EPA; or

(ii) Received from a State or Federal agency which in turn has received the information pursuant to, and in reliance on, a pledge of confidentiality, and which continues to consider itself bound by such pledge (unless EPA is entitled by law to demand such information from the original private source).

(3) No pledge will be made by EPA under subparagraph (2) of this paragraph in connection with information which EPA is entitled by law to demand (such as emission data under section 114 of the Clean Air Act, 42 U.S.C. 1857c-9) or which is submitted to EPA to fulfill a requirement imposed by statute or regulation in connection with a regulatory scheme of general applicability (such as information contained in application for registrations, permits, certifications, and the like). Nothing herein is intended to affect the status of information which is required by law to be treated as confidential.

3. The last sentence of § 2.111(a) is revised to read:

§ 2.111 Payment.

(a) * * *

For purposes of this section, "processing" shall include all time spent in generating correspondence related to a request and in making determinations under §§ 2.106, 2.107 and 2.107a.

* * * * *

WILLIAM D. RUCKELSHAUS,
Administrator,
Environmental Protection Agency.

MAY 10, 1972.

[FR Doc.72-7346 Filed 5-12-72;8:51 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER G—TRANSPORTATION AND MOTOR VEHICLES

PART 101-39—INTERAGENCY MOTOR VEHICLE POOLS

Responsibility for Damages

This regulation establishes the financial responsibilities of agencies for damages to interagency motor pool vehicles while the vehicles are in their custody.

The table of contents for Part 101-39 is amended by retitling the following sections:

Sec.
101-39.704 Damage through operator misconduct.
101-39.807 Responsibility for damages.

Subpart 101-39.7—Care of Vehicles

Section 101-39.704 is revised to read as follows:

§ 101-39.704 Damage through operator misconduct.

Whenever vehicle damage results through misconduct of an employee, the agency employing the vehicle operator shall be financially responsible. (See § 101-39.807.) Misconduct includes but is not limited to vehicle operation under the influence of alcohol or narcotics and willful abuse or misuse of a vehicle.

Subpart 101-39.8—Accidents and Claims

Section 101-39.807 is revised to read as follows:

§ 101-39.807 Responsibility for damages.

(a) Except as provided in (b), below, GSA will be responsible for the cost incurred whenever an interagency motor pool vehicle is damaged.

(b) If an employee damages an interagency motor pool vehicle while under the influence of alcohol or narcotics or through willful misuse, GSA will charge all costs to the agency employing the operator. GSA will furnish the agency an accident report regarding the incident. The employee's agency shall be responsible for disciplining its employees who are guilty of damaging motor pool vehicles while under the influence of alcohol or narcotics or through willful misuse.

(1) The costs chargeable to the agency include costs for removing and repairing the vehicle or, in the case of total loss, the replacement of the vehicle, including travel and other costs attributable to the accident.

(2) If an agency has information or facts which would have a bearing on the accident, the agency may furnish the data to GSA and request that the costs charged to and collected from the agency be credited to the agency. The final determination of agency responsibility will be made by GSA, based upon Government as well as police accident reports and any available witness statements.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (5-13-72).

Dated: May 9, 1972.

HAROLD S. TRIMMER, JR.,
Acting Administrator
of General Services.

[FR Doc.72-7341 Filed 5-12-72;8:50 am]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER N—DANGEROUS CARGOES

[CGD 72-89]

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES AND COMBUSTIBLE LIQUIDS ON BOARD CARGO VESSELS

Authorized Shipping Names for Liquefied Petroleum Gas

This amendment to Part 146 of Title 46 of the Code of Federal Regulations authorizes the use of "Butane," "Isobutane," "Isobutylene," and "Propane" as the proper shipping names for these materials now described as "Liquefied petroleum gas" in § 146.04-5.

In the November 19, 1971, FEDERAL REGISTER (36 F.R. 22069) a notice of proposed rule making (CGFR 71-139) was published that contained this proposal.

The other matters in that document will be the subject of future amendments.

In the light of comments received, the Hazardous Materials Regulations Board modified their amendment. The Coast Guard is adopting the changes to the Board's amendment for the reasons stated in their document published at page 9632 of the Saturday, May 13, 1972, issue of the FEDERAL REGISTER (37 F.R. 9632).

The changes from the notice are made to clarify that the names "Butane," "Isobutane," "Isobutylene," and "Propane" may be used interchangeably with the name "Liquefied petroleum gas" for these commodities.

In consideration of the foregoing § 146.04-5 "List of explosives and other

dangerous articles and combustible liquids" of Part 146 of Title 46 of the Code of Federal Regulations is amended by revising the entries for the articles "butane, isobutane, isobutylene, propane, and propylene" to read as follows:

Article	Classed As—	Label required
• • •	• • •	• • •
Butane *or* Liquefied petroleum gas. *see* Liquefied petroleum gas	• • •	• • •
• • •	• • •	• • •
Isobutane *or* Liquefied petroleum gas. *see* Liquefied petroleum gas	• • •	• • •
Isobutylene *or* Liquefied petroleum gas. *see* Liquefied petroleum gas	• • •	• • •
• • •	• • •	• • •
Propane *or* Liquefied petroleum gas. *see* Liquefied petroleum gas	• • •	• • •
• • •	• • •	• • •
Propylene *or* Liquefied petroleum gas. *see* Liquefied petroleum gas	• • •	• • •
• • •	• • •	• • •

(R.S. 4472, as amended; R.S. 4417a, as amended; sec. 1, 19 Stat. 252, 49 Stat. 1889, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 170, 391a, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

This amendment is effective on September 30, 1972.

Dated: May 5, 1972.

T. R. SARGENT,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc.72-7236 Filed 5-12-72;8:45 am]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-94, Amdt. 172-15]

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

Authorized Shipping Names for Liquefied Petroleum Gas

The purpose of this amendment to the Hazardous Materials Regulations of the Department of Transportation is to authorize the use of "Butane," "Isobutane," "Isobutylene," and "Propane" as proper shipping names for these materials now described as "Liquefied petroleum gas" in § 172.5.

On November 19, 1971, the Hazardous Materials Regulations Board published Docket No. HM-94; Notice No. 71-29 (36 F.R. 22073) which proposed this amendment. The amendment was identified in the miscellaneous notice of proposed rule making as Proposal A. Interested persons were invited to give their views and several comments were received by the Board.

Many of the commenters correctly noted that the proposal, as stated, did not provide the optional use of butane, isobutane, isobutylene, and propane. Use of these names as descriptions on shipping papers and as markings on outside packagings was intended to be optional to the liquefied petroleum gas description now required. Thus, these comments were helpful in clarifying the regulations and accordingly, appropriate changes have been made to provide for the use of these names as alternatives to the description now required.

Other commenters requested that the use of "propylene" be authorized as a proper shipping name. Various tariff publications show "propylene" in italics in their list of hazardous materials. However, the Code of Federal Regulations has had propylene in roman type for many years and, therefore, it is presently authorized as a proper shipping name.

Two commenters asked what shipping name would be required for shipments of mixtures or other grades of liquefied petroleum gas. Unless the mixture or grade of liquefied petroleum gas is shown in roman type in § 172.5, the liquefied petroleum gas description and marking must be used.

In consideration of the foregoing, 49 CFR Part 172 is amended as follows:

In § 172.5 paragraph (a), the List of Hazardous Materials is amended to read as follows:

§ 172.5 List of hazardous materials.

(a) • • •

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
Butane *or* Liquefied petroleum gas. *See* Liquefied petroleum gas.	• • •	• • •	• • •	• • •
Isobutane *or* Liquefied petroleum gas. *See* Liquefied petroleum gas.	• • •	• • •	• • •	• • •
Isobutylene *or* Liquefied petroleum gas. *See* Liquefied petroleum gas.	• • •	• • •	• • •	• • •
Propane *or* Liquefied petroleum gas. *See* Liquefied petroleum gas.	• • •	• • •	• • •	• • •
Propylene *or* Liquefied petroleum gas. *See* Liquefied petroleum gas.	• • •	• • •	• • •	• • •

This amendment is effective September 30, 1972. However, compliance with the regulations, as amended herein, is authorized immediately.

This amendment is made under the authority of sections 831-835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657), title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421-1430 and 1472(h)).

Issued in Washington, D.C., on May 8, 1972.

W. F. REA III,
Rear Admiral, Board Member
for the U.S. Coast Guard.

JAMES F. RUDOLPH,
Board Member for the
Federal Aviation Administration.

KENNETH L. PIERSON,
Acting Board Member for the
Federal Highway Administration.

MAC E. ROGERS,
Board Member for the
Federal Railroad Administration.

[FR Doc.72-7235 Filed 5-12-72;8:45 am]

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1042-A]

PART 1033—CAR SERVICE

Chicago and North Western Railway Co. Authorized To Operate Over Tracks of the Chicago, Rock Island and Pacific Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 9th day of May 1972.

Upon further consideration of Service Order No. 1042 (35 F.R. 10150, 15394, 19753; 36 F.R. 5979, 12107, 25423; 37 F.R. 6593), and good cause appearing therefor:

It is ordered, That § 1033.1042 *Service Order No. 1042-A* (Chicago and North Western Railway Co. authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Co.) be, and it is hereby, vacated and set aside.

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

It is further ordered, That this order shall become effective at 11:59 p.m., May 11, 1972; that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office

of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

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

[FR Doc.72-7365 Filed 5-12-72;8:53 am]

[S.O. 1098]

PART 1033—CAR SERVICE

Chicago and North Western Railway Co. Authorized To Operate Over Tracks Abandoned by the Chicago, Rock Island and Pacific Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 9th day of May 1972.

It appearing, that the Chicago, Rock Island and Pacific Railroad Co. (CRIP), in Finance Docket No. 26470, was authorized by the Commission to abandon its line serving Sioux Falls, S. Dak.; that numerous industries are served by these tracks abandoned by the CRIP in Sioux Falls; that the Chicago and North Western Railway Co. (CNW) has agreed to serve industries on tracks abandoned by the CRIP in Sioux Falls, between the south end of the CRIP Bismark bridge and a point approximately 200 feet south of 18th Street; that operation by the CNW over the aforementioned tracks abandoned by the CRIP in Sioux Falls, S. Dak., is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impractical and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1098 Service Order No. 1098.

(a) *Chicago and North Western Railway Co. authorized to operate over tracks abandoned by the Chicago, Rock Island and Pacific Railroad Co.* The Chicago and North Western Railway Co. be, and it is hereby, authorized to operate over tracks abandoned by the Chicago, Rock Island and Pacific Railroad Co., in Sioux Falls, S. Dak., between the south end of the CRIP Bismark bridge and a point approximately 200 feet south of 18th Street.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Rules and regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Effective date.* This order shall become effective at 11:59 p.m., May 11, 1972.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., October 31, 1972, unless otherwise modified, changed, or suspended by order of this Commission.

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

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

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

[FR Doc.72-7364 Filed 5-12-72;8:53 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 917]

FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Proposed Limitations of Handling

Consideration is being given to the following proposal submitted by the Plum Commodity Committee, established pursuant to the amended marketing agreement and Order No. 917, as as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in 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 § 917.427 (Plum Regulation 8; 37 F.R. 9205) to continue the effective period of said regulation to include all plum shipments for the 1972 season. It is the committee's recommendation that such regulation be continued for the entire 1972 plum shipping season. The present regulation ends June 5, 1972.

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 § 917.427 paragraph (b), paragraph (c) preceding subparagraph (1), and paragraph (d) preceding Table I, will read as follows:

§ 917.427 Plum Regulation 8.

* * * * *

(b) During the period June 6, 1972, through May 31, 1973, no handler shall ship any lot of packages or containers of any plums, other than the varieties named in paragraph (c) of this section, unless such plums grade at least U.S. No. 1.

(c) During the period June 6, 1972, through May 31, 1973, no handler shall ship:

* * * * *

(d) During the period June 6, 1972, through May 31, 1973, no handler shall ship any package or other container of any variety of plums listed in Column A of the following Table I unless such plums are of a size that an 8-pound sample, representative of the sizes of the plums in the package or container, contains not more than the number of plums listed for the variety in Column B of said table.

* * * * *

Dated: May 10, 1972.

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

[FR Doc.72–7355 Filed 5–12–72;8:52 am]

[7 CFR Part 1030]

[Docket No. AO 361–A7]

MILK IN THE CHICAGO REGIONAL MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Notice is hereby given of a public hearing to be held at the Holiday Inn (No. 2), 3902 Evan Acres Road, Madison, WI, beginning at 9:30 a.m., on May 31, 1972, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Chicago Regional marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Alto Cooperative Creamery; Associated Milk Producers, Inc.; Consolidated Badger Cooperative; Fox River Milk Transfer Cooperative; Genoa City Milk Cooperative Association; Hampshire Milk Producers Association; Hiawatha Valley Dairies Cooperative; Independent Milk Producers Cooperative; Manitowoc Milk Producers Cooperative; Midwest Dairymens Co.; Milwaukee Cooperative Milk Producers; Outagamie Producers Cooperative; Racine Milk Producers Cooperative; Wisconsin Dairies Cooperative; Woodstock Progressive Milk Producers Association:

Proposal No. 1. Amend § 1030.11(a)(3) to read as follows:

(a) * * *

(3) Not less than 45 percent, in each of the months August through December, 40 percent in each of the months January, February, and March and 30 percent in each of the months April, May, June, and July is disposed of in the form of packaged fluid milk products, except filled milk, either on routes or moved to other plants. Such disposition is to be exclusive of receipts of packaged fluid milk products from other pool distributing plants.

Proposal No. 2. Amend § 1030.11(b)(4) to read as follows:

(b) * * *

(4) Such percentages shall be not less than 25 percent in the month of August, 35 percent in each of the months September, October, and November and 30 percent in all other months, except that a plant which is a pool plant pursuant to this paragraph during each of the months of August through December shall be a pool plant for each of the following months of January through July unless:

(i) The milk received at the plant does not continue to meet the Grade A milk requirements for use in fluid milk products distributed in the marketing area; or

(ii) Written application is filed by the plant operator with the Market Administrator on or before the first day of any such month requesting the plant be designated a nonpool plant for such month and such subsequent month through July during which it would not otherwise qualify as a pool plant;

* * * * *

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 3. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, A. W. Colebank, Room 814, 72 West Adams Street, Chicago, IL, or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on May 9, 1972.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.72–7321 Filed 5–12–72;8:49 am]

[7 CFR Part 1065]

[Docket No. AO 86–A27]

MILK IN THE NEBRASKA-WESTERN IOWA MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Notice is hereby given of the filing with the Hearing Clerk of this recommended

decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Nebraska-Western Iowa marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., 20250, by the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Omaha, Nebr., on March 21 and 22, 1972, pursuant to notice thereof which was issued February 28, 1972 (37 F.R. 4352).

This decision treats only issue No. 1 as listed below. With respect to issues Nos. 2 and 3, concerning deletion of the takeout-payback seasonal incentive plan and emergency action thereon, official notice is taken of a suspension order issued March 24, 1972 (37 F.R. 6491), effective April 1, 1972, which makes inoperative the seasonal incentive plan for the year 1972. Completion of action with respect to all issues other than issue No. 1 is reserved for a further decision on the record.

The material issues on the record of the hearing relate to:

1. Diversion of producer milk.
2. Deletion of takeout-payback (Louisville) seasonal incentive plan.
3. Need for emergency action with respect to issue No. 2.
4. Adoption of a Class I base plan.
5. Optional handler status for a cooperative on its deliveries of member milk to pool plants.
6. Defining milk received at a pool plant from a cooperative bulk tank handler as "producer milk" for which the plant operator would be obligated at the uniform price.
7. Miscellaneous:

(a) Adoption of more specific terminology in referring to health authorities and Grade A product.

(b) Redefining "route disposition."

(c) Computation of uniform price: Handlers' reports to be included.

(d) Adoption of appropriate terminology for partial payments, and conforming changes where necessary.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Diversion of producer milk.* The provisions with respect to diversion of producer milk to nonpool plants should be modified. A cooperative association should be permitted to divert as producer milk in each of the months April through August and December up to 40 percent of the quantity of member producer milk received at all pool plants during such month, and up to 30 percent of such plant receipts in any other month. The same percentage limitations should apply to diversions by a handler who is a pool plant operator, based on the quantity of milk of producers not members of a cooperative association received at his pool plants.

The order now provides that the total quantity of milk a cooperative or pool plant operator may divert in any month shall not exceed 15 percent of the producer milk deliveries to pool plants as described above. The order further provides that a producer's milk is eligible for diversion only if milk of such producer has been received at a pool plant(s) for at least 3 days during the same month. The dairy farmer whose milk is diverted retains producer status while his milk is delivered to a nonpool plant provided the total quantity of milk the cooperative or other handler diverts does not exceed the stated limit.

A cooperative association proposed that the quantity of milk a cooperative or pool plant operator may divert as pooled milk be increased over the present allowance specified in the order. Such proposal, as published in the hearing notice, would allow a cooperative to divert in each month of the July–November period a quantity up to 30 percent of member-producer milk delivered to pool plants in such month, and would allow diversions up to 100 percent of such deliveries to pool plants in any other month. A similar provision would apply to milk diverted by pool plant operators. Proponent requested also that the quantity allowed to be diverted be based on deliveries to pool plants in either the preceding or current month, the larger quantity so determined to be the effective limit.

At the hearing the proposed percentage limitations were modified by proponent to 60 percent in April, May, June, July, August, and December and 30 percent in other months.

In support if its request for an increased diversion allowance, proponent testified that significant changes in marketing conditions have taken place since the existing order provisions were made effective. In particular: (1) Milk production for the market has increased substantially in proportion to the volume of Class I disposition; and (2) the daily and seasonal variations in handlers' receipts at processing plants require greater use of diversion to handle the reserve milk supplies on which such plants depend for peak demands.

The 15-percent diversion limitation now specified in the order was adopted May 1, 1968, on the basis of the record of a hearing held in April 1967. Such diversion limit was sufficient to allow economic handling of then existing reserve milk supplies. While the lower level of milk production at that time required a moderate use of diversion, there also were periods when producers' milk was not sufficient for peak needs of distributing plants, e.g., in the fall months of 1969 it was necessary to obtain supplemental supplies from outside sources.

Since adoption of the provision in 1968, production of milk for the market has increased about 18 percent while the volume of producer milk disposed of as Class I has increased only 2 percent (1969 to 1971).[1] In 1971 Class I disposition of producer milk was 61.4 percent of the total supply compared to 71 percent utilization in 1969.

The larger local supply now on the market has required greater diversion of producer milk to manufacturing plants on those days when the needs of fluid processing plants are at the lowest level. Daily variations in receipts at fluid processing plants reflect the workweek of the plant and the daily buying pattern of consumers. Most plants in the market now process milk for packaging either 4 or 5 days per week. Plant receipts are substantially greater on Thursdays and Fridays in preparation for the weekend store trade. On other days the reduced level of receipts at such plants requires greater disposition for manufacturing.

Also during the year, market declines in demand because of the school summer vacation and the December holiday season similarly result in need to move producer milk to manufacturing plants. In addition, when production by dairy farmers is highest in April, May, and June, disposition for manufacturing must be increased.

Inasmuch as proponent cooperative's membership comprises a large majority of the producers on the market it carries the burden for disposition of most of the reserve milk supply for the market. The reserve is that part of the milk supply that is not immediately needed by distributing plants but is maintained to assure an adequate and reliable year-round supply that will meet peak needs of such plants.

Reserve milk of this market generally must be disposed of to nonpool plants for manufacturing, although some of the reserve supply is received at the cooperative's pool plant at Norfolk, Nebr., which has manufacturing facilities. Other reserve milk is received first at the cooperative's Grand Island, Nebr., pool supply plant. However, since the latter has no facilities for manufacturing, the milk must be reshipped to nonpool manufacturing plants.

Extra costs are involved, however, in receiving milk first at a pool plant for reshipment to another plant. This method of handling is particularly uneconomical in those instances where con-

[1] The year 1969 is the first full year after merger with Sioux City order that allows a comparison based on the same marketing area as at present.

siderably greater hauling is involved than for movement directly to the nonpool plant.

The most economical method of handling reserve milk in this market is delivery directly from farms to manufacturing plants. The existing diversion limitation (15 percent of producer milk received at pool plants), however, does not allow the cooperative to divert as pooled producer milk all of the milk that could be handled in this manner under a more liberal limit.

In recent periods the cooperative has moved from farms to nonpool manufacturing plants quantities of milk in excess of that allowed for pooling under the present diversion provision. During February, March, April, May, and June 1971, milk of member producers delivered to nonpool manufacturing plants was 16, 17, 22, 28, and 30 percent of deliveries to pool plants in the respective months.

Because the proponent cooperative had need to move to nonpool plants reserve supplies in excess of the limit provided, the diversion limitation was suspended for the months of July and August 1971 (36 F.R. 14177). In these months, the quantities diverted by the cooperative were 26 and 24 percent, respectively, of the volumes of member milk received at pool plants in such months. In December 1971, although the diversion limitation was effective, the volume moved to nonpool plants by the cooperative was 19 percent of deliveries to pool plants.

A further suspension action removed the diversion limitation for January through June 1972. During January and February of this period the cooperative diverted 19 and 21 percent, respectively, of the quantity of member milk received at pool plants.

Another cooperative in this market also disposes of reserve milk to nonpool plants as part of its operations in supplying pool distributing plants. A representative of this cooperative testified that it experienced similar uneconomic handling costs in moving reserve milk to manufacturing plants. Such cooperative supported proponent's modified proposal as a means of facilitating the efficient handling of reserve milk supplies, but stressed that the diversion privilege should not be the means of adding new milk to the pool merely for manufacturing use.

No opposition testimony was presented. Handlers, other than cooperative associations, who also would be permitted to divert larger volumes of milk under the proposed provision did not testify.

In view of the foregoing considerations, the order should permit the diversion of somewhat larger quantities of milk than now provided. However, the provision should allow only milk that is regularly associated with the market to be pooled by this means.

The provision adopted herein would enable a cooperative association to divert during any of the months of April, May, June, July, August, or December a quantity of member producer milk up to 40 percent of the quantity of member-producer milk received at pool plants during the month. In other months, diversion up to 30 percent of receipts of member-producer milk at pool plants would be allowed. The same percentage limitations would apply to diversions by a pool plant operator, based on the quantity of milk of producers not members of a cooperative association received at pool plants.

The maximum quantities allowed to be diverted under the adopted provision will enable cooperatives and other handlers to dispose of by diversion those market reserve supplies of producer milk that may be handled most economically in this manner. Proponent cooperative testified that the maximum percentage of milk moved from member's farms to nonpool plants (including excess diversions) in relation to deliveries to pool plants was 30 percent in June 1971. The applicable percentage adopted herein for such month, 40 percent of receipts at pool plants, thus should enable a cooperative to divert not only the quantities previously moved from farms to nonpool plants, but also will provide a margin to cover those quantities that were handled in a less economical manner, being delivered first to a pool plant and then reshipped to a manufacturing plant.

It is concluded also that average daily deliveries to pool plants in the preceding month multiplied by the number of days in the current month should be made an alternative basis for determining the quantity of milk that may be diverted. By this means a cooperative or other handler will know at the beginning of a month an approximate quantity that may be diverted during the month. Such foreknowledge is advantageous in planning for the efficient handling of reserve milk and will assist in avoiding a situation in which the quantity that may be diverted will be reduced by some unexpected occurrence during the month such as a sudden loss of outlets, causing an overdiversion.

Under the existing producer milk definition, the milk of a producer may be diverted only if the milk of such producer has been received at pool plants "for at least 3 days during the month." In this hearing, proponent requested that one receipt of a producer's milk during the month should qualify such producer's milk for diversion. This arrangement would allow the maximum use of diversion for producers nearest to nonpool plants thus achieving economy in handling.

The delivery of some portion of a producer's milk to a pool plant during the month assures that the producer continues his regular association with the market and that his milk is available for fluid use. For this purpose, production of the producer for 2 days should be the minimum delivered to a pool plant during the month. Such requirement ordinarily could be met by one delivery per month to a pool plant since each delivery normally includes 2 days' production. Assuming normal marketing practices, delivery of 2 days' production during the month would serve to identify the producer with the market. If dairy farmers not genuinely a part of the market supply become pooled on the basis of a single delivery, there would be basis for reexamination of the provision.

Although the changes adopted will increase the quantities that may be diverted by a handler as producer milk, there still may be instances in which a handler or cooperative will divert milk in excess of the specified limit. The portion of the diverted milk that is in excess of the limit will not qualify as producer milk. As at present, it will be necessary in this circumstance that the diverting handler specify the particular producers whose diverted milk is not to be considered producer milk. The handler may designate a portion of the milk of each producer as ineligible for producer milk status or specify in any manner the ineligible quantities, as long as the total equals the quantity of excess diversions. If the handler fails to specify the milk not eligible for producer milk status, no milk diverted by him shall be producer milk for such month.

The information provided by the diverting handler should show the quantities of eligible milk received at various nonpool plants in order that the value of diverted producer milk as affected by plant location adjustments may be determined.

While the Nebraska-Western Iowa order makes provision for diversion of producer milk to a nonpool plant, the order does not now specify diversion to a nonpool plant that is an other order plant. Testimony in the record did not describe any circumstances in which diversion to an other order plant would be needed. The provision adopted relates only to diversion to unregulated plants.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and

conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended Marketing Agreement and Order Amending the Order

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the Nebraska-Western Iowa marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. In § 1065.14, paragraphs (c)(1), (c)(2), and (c)(3) are revised. Section 1065.14 as amended reads:

§ 1065.14 Producer milk.

"Producer milk" of each handler means all skim milk and butterfat contained in milk from producers that is:

(a) Received from producers at a pool plant;

(b) Received from producers by a cooperative association that is a handler described in § 1065.8(d);

(c) Diverted from a pool plant to a nonpool plant (other than a plant of a producer-handler or an other order plant) pursuant to subparagraph (1) or (2) of this paragraph, subject to the conditions set forth in subparagraphs (3) and (4) of this paragraph:

(1) A cooperative association handler described in § 1065.8(c) of this part may divert for its account the milk of any member-producer if at least 2 days' production of such producer is received at a pool plant(s) during the month. The total quantity of milk so diverted by the cooperative association shall not exceed, in each of the months of January, February, March, September, October, and November, 30 percent, and in any other month 40 percent, of the larger of:

(i) The total quantity of milk of member-producers received at all pool plants during the current month; or

(ii) The average daily quantity of milk of member-producers received at all pool plants during the immediately preceding month, multiplied by the number of days in the current month.

(2) A handler, other than a cooperative association, in his capacity as the operator of a pool plant, may divert for his account the milk of any producer other than a member of a cooperative association, if at least 2 days' production of such producer is received at the handler's pool plant(s) during the month. The total quantity of milk so diverted by the handler shall not exceed, in each of the months of January, February, March, September, October, and November, 30 percent, and in any other month 40 percent, of the larger of:

(i) The total quantity of milk of producers received at his pool plant(s) during the current month exclusive of milk received from producers who are members of a cooperative association; or

(ii) The average daily quantity of milk of producers received at his pool plant(s) during the immediately preceding month, exclusive of milk received from producers who are members of a cooperative association, multiplied by the number of days in the current month.

(3) In the event the quantity of milk diverted is in excess of the applicable quantity specified in subparagraphs (1) and (2) of this paragraph, the diverting handler shall designate the dairy farmers whose milk was overdiverted. If the handler fails to make such designation, no milk diverted by him shall be producer milk for such month; and

(4) For the purposes of location adjustments pursuant to §§ 1065.53 and 1065.73, milk so diverted shall be priced at the location of the plant to which diverted.

Signed at Washington, D.C., on May 9, 1972.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.72-7322 Filed 5-12-72;8:49 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-WE-12]

TRANSITION AREA

Proposed Alteration

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

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, CA 90045.

A new instrument approach procedure is proposed for Tulare, Calif., Airport utilizing the Visalia VOR 150° T (134° M) radial. The proposed additional 700-foot transition area will provide controlled airspace protection for aircraft executing the proposed instrument procedure while operating between 1,500 feet and 700 feet above the surface.

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

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

VISALIA, CALIF.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Visalia Municipal Airport (latitude 36°-19'10" N., longitude 119°23'35" W.), within 2 miles each side of the Visalia VOR 123° and 303° radials, extending from the 5-mile-radius area to 8 miles northwest of the VOR and within 4 miles each side of the Visalia VOR 150° radial, extending from 7 to 20 miles southeast of the VOR.

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

Issued in Los Angeles, Calif., on May 4, 1972.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

[FR Doc.72-7303 Filed 5-12-72;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 71-AL-11]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration (FAA) is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the Unalakleet, Alaska, control zone and transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the

Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, AK 99501. 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 General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket will also 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.

The airspace actions proposed in this docket would:

1. Amend the Unalakleet control zone to read as follows:

Within a 5-mile radius of Unalakleet Airport (lat. 63°53'12" N., long. 160°47'42" W.); within 3.5 miles each side of the Unalakleet 225° radial, extending from the VORTAC to 12.5 miles southwest of the VORTAC, and within 3.5 miles each side of the Unalakleet RR west course, extending from the 5-mile-radius zone to 8.5 miles west of the RR. 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 Flight Information Publication Supplement Alaska.

2. Amend the Unalakleet transition area to read as follows:

That airspace extending upward from 700 feet above the surface within 4.5 miles north and 9.5 miles south of the Unalakleet RR west course, extending from the RR to 24.5 miles west of the RR; within 4.5 miles southeast and 9.5 miles northwest of the Unalakleet VORTAC 225° radial, extending from the VORTAC to 24.5 miles southwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 7.5 miles north and 9.5 miles south of the Unalakleet VORTAC 110° and 290° radials, extending from 13 miles east to 13 miles west of the VORTAC.

The proposed changes to the Unalakleet control zone and transition area are needed to provide controlled airspace for aircraft conducting amended approach procedures and other IFR operations at Unalakleet. The Unalakleet control zone is effective from 0545 to 2145, local time, daily.

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 8, 1972.

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

[FR Doc.72-7304 Filed 5-12-72;8:46 am]

Notices

DEPARTMENT OF STATE

Agency for International Development

HOUSING GUARANTY PROGRAM FOR COSTA RICA

Information for Investors

The Agency for International Development (A.I.D.) has advised Residencial Lagunilla (the "Sponsor") that upon execution by an eligible U.S. investor acceptable to A.I.D. of an agreement to loan a borrower to be selected by the Sponsor (the "Borrower") an amount not to exceed $2.1 million, and subject to the satisfaction of certain further terms and conditions by the Borrower, A.I.D. will guarantee repayment to the investor of the principal and interest on such loan. The guarantee will be backed by the full faith and credit of the United States of America and will be issued pursuant to authority contained in section 222 of the Foreign Assistance Act of 1961, as amended (the "Act"). Proceeds of the loan will be used to construct housing projects in San Jose, Costa Rica. Eligible investors interested in extending a guaranteed loan to the Borrower should communicate promptly with:

E. David Harrison, 1707 L Street NW., Suite 1030, Washington, DC 20036.

Investors eligible to receive a guaranty are those specified in section 238(c) of the Act. They are: (1) U.S. citizens; (2) domestic corporations, partnerships, or associations substantially beneficially owned by U.S. citizens; (3) foreign corporations whose share capital is at least 95 percent owned by U.S. citizens; and (4) foreign partnerships or associations wholly owned by U.S. citizens.

To be eligible for a guaranty, the loan must be repayable in full no later than the 25th anniversary of the final disbursement of the principal amount thereof and the interest rate may be no higher than the maximum rate to be established by A.I.D. A.I.D. will charge a guaranty fee equal to 1 percent per annum on the outstanding guaranteed principal amount of the loan.

Information as to eligiblity of investors and other aspects of the A.I.D. housing guaranty program can be obtained from:

Director, Office of Housing, Agency for International Development, Room 501, SA-16, Washington, D.C. 20523.

This notice is not an offer by A.I.D. or by the Borrower. The Borrower and not A.I.D. will select a lender and negotiate the terms or the proposed loan.

STANLEY BARUCH,
Director, Office of Housing, Agency for International Development.

MAY 5, 1972.

[FR Doc.72-7334 Filed 5-12-72;8:50 am]

HOUSING GUARANTY PROGRAM FOR COSTA RICA

Information for Investors

The Agency for International Development (A.I.D.) has advised Jardines de Tibas, S.A. (the "Sponsor") that upon execution by an eligible U.S. investor acceptable to A.I.D. of an agreement to loan a borrower to be selected by the Sponsor (the "Borrower") an amount not to exceed $2.5 million, and subject to the satisfaction of certain further terms and conditions by the Borrower, A.I.D. will guarantee repayment to the investor of the principal and interest on such loan. The guarantee will be backed by the full faith and credit of the United States of America and will be issued pursuant to authority contained in section 222 of the Foreign Assistance Act of 1961, as amended (the "Act"). Proceeds of the loan will be used to construct housing projects in San Jose, Costa Rica.

Eligible investors interested in extending a guaranteed loan to the Borrower should communicate promptly with:

Mr. William Earl Pennington B., Metalco—Pennington, Jardines de Tibas, S.A., Post Office Box 1131, San Jose, Costa Rica.

Investors eligible to receive a guaranty are those specified in section 238(c) of the Act. They are: (1) U.S. citizens; (2) domestic corporations, partnerships, or associations substantially beneficially owned by U.S. citizens; (3) foreign corporations whose share capital is at least 95 percent owned by U.S. citizens; and (4) foreign partnerships or associations wholly owned by U.S. citizens.

To be eligible for a guaranty, the loan must be repayable in full no later than the 25th anniversary of the final disbursement of the principal amount thereof and the interest rate may be no higher than the maximum rate to be established by A.I.D. A.I.D. will charge a guaranty fee equal to 1 percent per annum on the outstanding guaranteed principal amount of the loan.

Information as to eligibility of investors and other aspects of the A.I.D. housing guaranty program can be obtained from:

Director, Office of Housing, Agency for International Development, Room 501, SA-16, Washington, D.C. 20523.

This notice is not an offer by A.I.D. or by the Borrower. The Borrower and not A.I.D. will select a lender and negotiate the terms of the proposed loan.

STANLEY BARUCH,
Director, Office of Housing, Agency for International Development.

MAY 5, 1972.

[FR Doc.72-7335 Filed 5-12-72;8:50 am]

HOUSING GUARANTY PROGRAM FOR REPUBLIC OF THE IVORY COAST

Information for Investors

The Agency for International Development (A.I.D.) has advised La Societe de Gestion Financier del'Habitat (the "Borrower"), an instrumentality of the Government of the Republic of the Ivory Coast, that, upon execution by an eligible U.S. investor acceptable to A.I.D. of an agreement to loan the Borrower an amount not to exceed $10 million, and subject to the satisfaction of certain further terms and conditions by the Borrower, A.I.D. will guarantee repayment to the investor of the principal and interest on such loan. The guarantee will be backed by the full faith and credit of the United States of America and will be issued pursuant to authority contained in section 221 of the Foreign Assistance Act of 1961, as amended (the "Act"). Proceeds of the loan will be used for housing projects in the Republic of the Ivory Coast.

Eligible investors interested in extending a guaranteed loan to the Borrower should communicate promptly with:

Commerical and Economic Counselor, Embassy of the Republic of the Ivory Coast, 2424 Massachusetts Avenue, Washington, DC 20008.

Investors eligible to receive a guaranty are those specified in section 238(c) of the Act. They are: (1) U.S. citizens; (2) domestic corporations, partnerships, or associations substantially beneficially owned by U.S. citizens; (3) foreign corporations whose share capital is at least 95 percent owned by U.S. citizens; and (4) foreign partnerships or associations wholly owned by U.S. citizens.

To be eligible for a guaranty, the loan must be repayable in full no later than the 25th anniversary of the final disbursement of the principal amount thereof and the interest rate may be no higher than the maximum rate to be established by A.I.D. A.I.D. will charge a guaranty fee equal to one-half of 1 percent per annum on the outstanding guaranteed principal amount of the loan.

Information as to eligibility of investors and other aspects of the A.I.D. housing guaranty program can be obtained from:

Director, Office of Housing, Agency for International Development, Room 501, SA-16, Washington, D.C. 20523.

This notice is not an offer by A.I.D. or by the Borrower. The Borrower and

not A.I.D. will select a lender and negotiate the terms of the proposed loan.

STANLEY BARUCH,
Director, Office of Housing, Agency for International Development.

MAY 5, 1972.

[FR Doc.72-7336 Filed 5-12-72;8:50 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Price Commission Ruling 1972-165]

PRICES STATED AS A PERCENTAGE IN CONTRACTS ENTERED INTO DURING THE FREEZE BASE PERIOD

Price Commission Ruling

Facts. Attorney A specializes in representing plaintiffs in personal injury cases, and has customarily charged all clients 33⅓ percent of the amount (if any) recovered. During the period July 15, 1971, to August 14, 1971, attorney A settled only one case. His client recovered $33,000 and attorney A was paid $11,000 by his client. During this same period A agreed to represent only one new client (B) and this client also agreed to pay A 33⅓ percent of the eventual recovery, if any. This case was settled in January 1972, with the client recovering $10,000 and paying A $3,333.33. In December 1971, A agreed to represent C in an action against D, again for 33⅓ percent of the eventual recovery, if any. D has made an offer to settle this case for $45,000.

Issue. If D's offer is accepted may client C pay attorney A $15,000?

Ruling. Yes. Attorney A's base price is the highest price specified by A in contracts with a specific class of customers in a substantial number of transactions involving this service during the freeze base period (July 16, 1971 to August 14, 1971). Economic Stabilization Regulations, 6 CFR 300.405, 36 F.R. 23974 (December 16, 1971) as amended 37 F.R. 775 (January 19, 1972). A transaction is considered to occur at the time and place a binding contract is entered into. Economic Stabilization Regulations, 6 CFR 300.5, 36 F.R. 23974 (December 16, 1971). In this case the percentage of recovery (33⅓%), charged by A in a substantial number of transactions during the freeze base period is the base price, not the actual dollar amount paid to A. Because A entered into only one contract (with B) during the freeze base period this contract constitutes a "substantial number of transactions," since it is more than 10 percent of such transactions. Economic Stabilization Regulations, 6 CFR 300.5, 36 F.R. 23974 (December 16, 1971).

Therefore A's base price for representing a plaintiff in a personal injury action is 33⅓% of the recovery. Accordingly, he may charge client C $15,000 out of a $45,000 recovery.

This ruling clarifies Price Commission Ruling 1972-5, 37 F.R. 248 (January 7, 1972).

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

Dated: May 10, 1972.

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

Approved: May 10, 1972.

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

[FR Doc.72-7326 Filed 5-12-72;8:48 am]

[Price Commission Ruling 1972-166]

EXCEPTION PROCEDURES FOR HOSPITALS WHOSE PROPOSED PRICE INCREASE WILL NOT INCREASE THEIR AGGREGATE ANNUAL REVENUES BY MORE THAN 6 PERCENT

Price Commission Ruling

Issue. Hospital A, an institutional provider of health services has incurred increased nonwage and nonsalary current expenses in excess of 2.5 percent a year. Hospital A wishes to increase its prices to reflect the full amount of these cost increases, but is prohibited from doing so by Economic Stabilization Regulations, 6 CFR 300.18(d), 36 F.R. 23584 (December 30, 1971). The proposed price increase will not increase Hospital A's aggregate annual revenues more than 6 percent over the amount those revenues would have been if only the provider's base prices had been charged. See Economic Stabilization Regulations, 6 CFR 300.18(c), 36 F.R. 23584 (December 30, 1971). Hospital A wishes to seek an exception to § 300.18(d) and be allowed to charge its proposed price increase.

Issue. Must Hospital A obtain the recommendation of its State Advisory Board before requesting this exception?

Ruling. No. The recommendation of the State Advisory Board is required only when an institutional provider of health services seeks to charge an increased price that, together with other price increases, will increase its aggregate annual revenues more than 6 percent over the amount those revenues would have been had the provider charged his base prices. If the provider wishes an exception to increase prices to reflect aggregate nonwage, nonsalary current expense increases in excess of 2.5 percent a year but the price increase will not increase aggregate annual revenues more than 6 percent a year, then it does not need the State Advisory Board recommendation. The hospital would apply to the Price Commission via the District Director, in accordance with Economic Stabilization Regulations, 6 CFR 305.30, 37 F.R. 1008 (January 21, 1972) as amended 37 F.R. 3915 (February 24, 1972), and 6 CFR 401.301 et seq., 37 F.R. 1010 (January 21, 1972) as amended 37 F.R. 1453 (January 29, 1972).

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

Dated: May 10, 1972.

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

Approved: May 10, 1972.

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

[FR Doc.72-7327 Filed 5-12-72;8:48 am]

[Price Commission Ruling 1972-167]

INSTITUTIONAL PROVIDERS OF HEALTH, ALLOWABLE COSTS

Price Commission Ruling

Facts. The U.S. Government has mandated increased payments for unemployment tax benefits and social security benefits. X, an institutional provider of health services wants to increase its prices to pass on these increased costs.

Issue. Are Federal unemployment tax benefits and social security benefits considered as allowable costs under Economic Stabilization Regulation, 6 CFR 300.18(d), 36 F.R. 25384 (December 30, 1971)?

Ruling. An allowable cost is defined by Economic Stabilization Regulation, 6 CFR 300.5, 36 F.R. 23974 (December 16, 1971) to mean any cost, direct or indirect, unless disallowed by the Price Commission. However, aggregate current nonwage and nonsalary expenses incurred by institutional providers of health services which exceed 2.5 percent a year are not allowable costs. Regulation § 300.18(d). Federal unemployment tax benefits and social security benefits are current nonwage and nonsalary expenses within the meaning of regulation § 300.18(d) and are allowable costs, subject to the 2.5 percent limitation in § 300.18(d).

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

Dated: May 10, 1972.

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

Approved: May 10, 1972.

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

[FR Doc.72-7328 Filed 5-12-72;8:48 am]

[Price Commission Ruling 1972-168]

SEPARATE BASE PRICES FOR DIFFERENT CLASSES OF PURCHASERS

Price Commission Ruling

Facts. Company A owns and operates 15 commercial parking lots throughout City X. Ten of its lots, in the downtown area, have a base price of $2.50 per day based on transactions during the freeze base period. The other five lots, in outlying areas, have a base price of $2 per

day. Company A has experienced cost increases in operating the 10 of its lots having the higher base price. It is seeking to increase its rates on all of its parking lots throughout the city to reflect the increased operating costs, including those lots on which it has incurred no additional operating expenses.

Issue. May Company A increase rates for parking on those lots on which it has incurred no additional operating expenses?

Ruling. Company A must restrict its price increases to those lots on which it has incurred the increased operating costs.

Under the Economic Stablization Regulations, an operator of a commercial parking lot is a "service organization." See Economic Stabilization Regulations 6 CFR 300.5 (service), 36 F.R. 23974 (December 16, 1971) and Price Commission Ruling 1972–64, 37 F.R. 3771 (February 19, 1972).

Under the regulations, a service organization may charge a price in excess of the base price only to reflect allowable costs that it incurred since the last price increase in the item concerned, or that it incurred after January 1, 1971, whichever was later, and that it is continuing to incur, reduced to reflect productivity gains, and only to the extent that the increased price does not result in an increase in its profit margin. Economic Stabilization Regulations, 6 CFR 300.14, 37 F.R. 775 (January 19, 1972).

The base price for services is the highest price specified by the seller in contracts with a specific "class of purchasers" in a substantial number of transactions involving that service during the freeze base period. Economic Stabilization Regulations 6 CFR 300.405 (a), 37 F.R. 775 (January 19, 1972). A "class of purchasers" is comprised of purchasers to whom a person has charged a comparable price for comparable property during the freeze base period pursuant to "customary price differentials," or price distinctions based on a difference in volume, grade, quality, or location or type of purchaser. Economic Stabilization Regulations, 6 CFR 300.5, 36 F.R. 23974 (December 16, 1971).

By providing parking services to customers on the 10 parking lots during the freeze base period at $2.50 a day, Company A has established a "base price " under the regulations based on a "class of purchasers" pursuant to "customary price differentials" established on the basis of a difference in location of the purchaser. Under § 300.14, Company A may increase its price beyond the base price established "only to reflect allowable costs that it incurred * * * in the item concerned." "Interpreted in light of this section (300.405), § 300.14 of the regulations permits a price increase for a service sold to a particular class of purchasers above the base price to reflect only cost increases which the seller is required to bear and is continuing to bear in providing the service to that class of purchasers since the last price increase to that class of purchasers." Price Commission Ruling 1972–76, 37 F.R. 4099 (February 26, 1972).

Therefore, Company A may increase its rates only on those parking lots on which it has incurred additional allowable costs.

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

Dated: May 10, 1972.

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

Approved: May 10, 1972.

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

[FR Doc.72-7329 Filed 5-12-72;8:48 am]

[Price Commission Ruling 1972–169]

PRICE—CONTROL—POSTING

Price Commission Ruling

Facts. H is married to W. H and W have interest in two retail stores. H and W have a partnership X, with annual retail sales of $150,000. H has a sole proprietorship Y, with annual retail sales of $350,000. The base prices for items sold in store Y have been posted in accordance with § 300.13 (b) and (c) of the Economic Stabilization Regulations. The base prices for items sold in store X have been posted in accordance with § 300.13(e) of the Economic Stabilization Regulations. However, H and W refuse to post prices in store X in accordance with § 300.13 (b) and (c) of the Economic Stabilization Regulations?

Issue. Whether H and W may post prices in store X in accordance with § 300.13(e) of the Economic Stabilization Regulations?

Ruling. No. Section 300.13(e) provides in part that paragraphs (b) and (c) of § 300.13 do not apply to retailers with revenues of less than $200,000 annually (determined without regard to the number of retailing outlets operated by the retailer). 6 CFR 300.13(e), 37 F.R. 1244 (January 27, 1972). The parenthetical language of paragraph (e) indicates that the fact that a retailing operation is divided into separate stores is not to be considered in determining the annual revenues of the retailer. Section 300.5 defines retailer and provides that whenever the Price Commission considers it appropriate, a retailer includes any retailing subsidiary, division, affiliate, or similar entity that is part of, or is directly or indirectly controlled, by another person. 6 CFR 300.5, 36 F.R. 23974 (December 16, 1971). Price Commission Ruling 1972–105 provides that where an individual controls several retail outlets, the entire chain of outlets, rather than each separate store, is considered to be the "retailer." 37 F.R. 5646 (March 17, 1972). In the present case, H controls store X and Y. H owns all of Y and 50 percent of X. Where an individual holds more than 50 percent interest in a business, he is considered to control that business for the purposes of the Economic Stabilization Regulations. In addition, since W owns the remaining 50 percent of X and is the spouse of H, H may be considered to (directly and indirectly) control X.

Thus, under the parenthetical language of § 300.13(e), the annual revenues of X and Y must be combined for the purposes of determining whether X qualifies for the paragraph (e) posting requirements. Consequently, the base price for items sold in X must be posted in accordance with § 300.13 (b) and (c).

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

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

Approved: May 10, 1972.

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

[FR Doc.72-7330 Filed 5-12-72;8:48 am]

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

[Docket No. 72-1]

PHARMACEUTICAL WHOLESALERS, INC.

Notice of Hearing

Notice is hereby given that on March 27, 1972, the Bureau of Narcotics and Dangerous Drugs, Department of Justice, issued to Pharmaceutical Wholesalers, Inc., an order to show cause as to why the Bureau of Narcotics and Dangerous Drugs should not deny the Application for Registration under the Controlled Substances Act of 1970 of the respondent, executed on February 3, 1972, pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823).

Thirty (30) days having elapsed since the said order was received by Pharmaceutical Wholesalers, Inc., and written request for a hearing having been filed with the Director of the Bureau of Narcotics and Dangerous Drugs, Notice is hereby given that a hearing in this matter will be held commencing at 10 a.m. on May 22, 1972, in Room 812 of the Bureau of Narcotics and Dangerous Drugs, 1405 I Street NW., Washington, DC 20537.

Dated: May 9, 1972.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.72-7338 Filed 5-12-72;8:50 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. C-362]

CAL S. CUTLER

Notice of Loan Application

MAY 8, 1972.

Cal S. Cutler, 2675 Hemlock Avenue, Morro Bay, CA 93442, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used steel vessel, 54.8-foot registered length, to engage in the fishery for salmon, bottomfish, tuna, bonito, shrimp, lobsters, and Dungeness crab off the coasts of California, Oregon, and Washington.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

ROBERT W. SCHONING,
Deputy Director.

[FR Doc.72-7345 Filed 5-12-72;8:51 am]

Office of the Secretary

[Dept. Organization Order 30-2B, Amdt. 4]

NATIONAL BUREAU OF STANDARDS

Organization and Functions

This material further amends the material appearing at 35 F.R. 18550 of December 5, 1970, 36 F.R. 58098 of March 27, 1971, 36 F.R. 18428 of September 14, 1971, and 36 F.R. 21537 of November 10, 1971.

Department Organization Order 30-2B, dated November 16, 1970, is hereby further amended as follows:

SECTION 11. *Institute for Applied Technology.* Change the Office of Fire Programs in paragraph .05 to the "Fire Technology Division."

The organization chart of October 27, 1971, which is on file in the Office of the Federal Register with the original of the material appearing at 36 F.R. 21537, reflects the old office title and should be changed as indicated above.

Effective date: May 1, 1972.

LARRY A. JOBE,
Assistant Secretary for Administration.

[FR Doc.72-7359 Filed 5-12-72;8:52 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

OLIN CHEMICALS

Notice of Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Olin Chemicals, 120 Long Ridge Road, Stamford, CT 06904, has withdrawn its petition (FAP 1H2621), notice of which was published in the FEDERAL REGISTER of February 10, 1971 (36 F.R. 2824), proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of sodium 2-pyridinethiol-1-oxide as a preservative component of adhesives.

Dated: April 27, 1972.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.72-7287 Filed 5-12-72;8:47 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

FLIGHT STANDARDS DISTRICT OFFICE 65

Notice of Redesignation

FAA notice regarding the redesignation of General Aviation District Office No. 6, Cleveland, Ohio.

Effective on or about May 15, 1972, General Aviation District Office No. 6 will be abolished and Flight Standards District Office No. 65 established in Cleveland, Ohio. Services to the General Aviation public formerly provided by GADO-6 and services to the Ohio Air Carrier aviation community, formerly provided by Eastern Region, Air Carrier District Office No. 38, Pittsburgh, Pa., will be provided by FSDO-65, Cleveland-Hopkins International Airport W-11, Cleveland, Ohio 44130. This information will be reflected in the FAA organization statement the next time it is issued.

Issued in Des Plaines, Ill., on May 5, 1972.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

[FR Doc.72-7305 Filed 5-12-72;8:46 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-309]

MAINE YANKEE ATOMIC POWER CO.

Order of the Board Changing Location of Prehearing Conference

In the matter of Maine Yankee Atomic Power Co. (Maine Yankee Atomic Power Station), Docket No. 50-309.

The location for the prehearing conference in the above captioned matter is being changed from Wiscasset, Maine, to Washington, D.C.

The prehearing conference will convene on May 17, 1972, at 10 a.m., local time, at the following location:

Courtroom No. 1, U.S. Tax Court, 1111 Constitution Avenue NW., Washington, DC 20044.

For the Atomic Safety and Licensing Board.

ROBERT M. LAZO,
Chairman.

[FR Doc.72-7423 Filed 5-12-72;10:05 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24435]

TRANSAMERICA CORP. AND DELAVAL TURBINE, INC.

Application for Approval of Acquisition

Joint application of Transamerica Corp. and DeLaval Turbine, Inc., for approval pursuant to section 408 of the Federal Aviation Act of 1958, as amended, of the acquisition of Bobrick Aero Missile Products, Docket 24435.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded a period of 10 days from the date of this notice within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., May 9, 1972.

[SEAL] A. M. ANDREWS,
Director, Bureau of Operating Rights.

ORDER OF APPROVAL

Issued under delegated authority.

By application filed April 25, 1972, and amended May 2, 1972, Transamerica Corp.

(Transamerica) and DeLaval Turbine, Inc. (DeLaval), request that the Board disclaim jurisdiction over or, in the alternative, approve pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act) the acquisition by DeLaval of the business and assets of Bobrick Aero Missile Products (Bobrick).

Transamerica is a large holding company which, through subsidiaries, engages in various aspects of the insurance business, commercial and consumer finance, the motion picture business, real estate development, the transportation of household goods and the manufacture of machinery. Transamerica also wholly owns Trans International Airlines (TIA), a certificated supplemental air carrier.

DeLaval, a wholly owned subsidiary of Transamerica, manufactures steam turbines, pumps, compressors, and condensers for marine and industrial uses. Prior to December 31, 1971, a wholly owned subsidiary of DeLaval, DeLaval Turbine California, Inc. (DeLaval California), was engaged in the manufacturer of diesel engines, castings and forgings, pumps, switches, and industrial valves. DeLaval California also produced minor components for aircraft hydraulic, fuel, and other systems, principally for the military. Such products are part of components of systems designed by other manufacturers, generally airframe manufacturers. Most of the aircraft systems using such products are of a "redundant" nature, i.e., they are backed up by alternative systems or are themselves backup systems. When the acquisition of TIA by Transamerica was approved by the Board, a condition was attached prohibiting, without prior Board approval, transactions between TIA and DeLaval California in excess of $100,000 annually.[1] At the end of 1971, DeLaval California was mergered into its parent, DeLaval. The products which were previously manufactured by DeLaval California that are used in aircraft manufacture are thus now being manufactured by DeLaval.

Bobrick manufactures simple valves and control devices for pneumatic, fuel and hydraulic systems used in aeronautics and aerospace. Bobrick's principal customers for such products are major aircraft and aircraft component manufacturers and the U.S. Government. The components manufactured by Bobrick are, for the most part, items proprietary to its manufacturing customers. Only about seven percent of its total aeronautical and aerospace sales can be classified as possible optional equipment (components and parts used in aircraft washrooms). TIA has not been a customer of Bobrick.

For the fiscal year ended October 31, 1971, Bobrick's gross revenue was $702,620. In 1971, approximately 99 percent of Bobrick's total gross was obtained from the sale of its products to aeronautical businesses. Of that percentage, approximately 22 percent of sales were for military use.

In consideration for the transfer of the assets of Bobrick to DeLaval, DeLaval will deliver to Bobrick the number of shares of common stock of Transamerica as shall be determined by dividing 21.75 into an amount equal to the aggregate of the net worth of Bobrick as of April 30, 1972,[2] plus $116,000. After Bobrick transfers its assets to DeLaval, Bobrick will dissolve. None of its officers and directors will serve with DeLaval.

In support of the application, applicants state that Bobrick's net worth is only about 1.26 percent of the net worth of DeLaval; that Bobrick's gross sales are equal to about one-half of 1 percent of DeLaval's net sales; and that the acquisition will amount to a very negligible increase in DeLaval's manufacture of components used and useful in aeronautics. As a result they submit that the Board is warranted in disclaiming or declining to assert jurisdiction. In the alternative they contend that the transaction involved in this case does not affect the control of an air carrier, does not result in creating a monopoly, and does not tend to restrain competition and that approval by the Board pursuant to the third proviso of section 408(b) of the Act would be appropriate.

No comments or requests for a hearing have been received.

Upon consideration of the foregoing, it is concluded that Transamerica is a person controlling an air carrier and that Bobrick is a person engaged in a phase of aeronautics, both within the meaning of section 408(a)(6) of the Act, and that the acquisition of the business and assets of Bobrick by Transamerica through DeLaval is subject to that section. However, it is not found that the transaction will be inconsistent with the public interest or that the conditions of section 408 will be unfulfilled. The proposed transaction does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly, and does not tend to restrain competition. Bobrick is a relatively small concern which manufactures aeronautical components which are available from other sources. The bulk of its sales are to aircraft and aircraft component manufacturers and the military. TIA has not been a customer of Bobrick and annual transactions between Bobrick and other carriers amount to well under $100,000. No person disclosing a substantial interest in this proceeding is currently requesting a hearing and it is concluded that the public interest does not require a hearing.

Order E-26459 which approved the acquisition of control of TIA by Transamerica contains a condition which prohibits DeLaval California and TIA from engaging, without prior Board approval, in aggregate annual transactions in excess of $100,000.[3] In order to properly integrate the effected and proposed changes in DeLaval's operations into the existing regulatory framework governing the relationship between Transamerica and TIA, it will be necessary to amend such by conditioning the present approval to include DeLaval itself within such prohibition.[4]

Notice of intent to dispose of the application without hearing has been published in the FEDERAL REGISTER and a copy of such notice has been furnished to the Attorney General not later than 1 day following the date of such publication, both in accordance with section 408(b) of the Act.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13, it is found that the foregoing control relationships should be approved under section 408(b) of the Act without a hearing.

Accordingly, it is ordered, That:

1. The acquisition of the assets and business of Bobrick Aero Missile Products by DeLaval Turbine Inc. be and it hereby is approved; and

2. Neither DeLaval Turbine nor any of its subsidiaries shall, without prior approval of the Civil Aeronautics Board, engage in any transactions with Trans International Airlines Corp. which in the aggregate together with all other transactions in the same calendar year between DeLaval Turbine Inc. and its subsidiaries, on the one hand, and Trans International Airlines, on the other, involve total expenditures of more than $100,000.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 5 calendar days after the date of this order.

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

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-7357 Filed 5-12-72;8:52 am]

[1] Transamerica Corporation/Trans International Airlines Acquisition Case, Docket 19176, Order E-26459, Feb. 23, 1968.

[2] It is presently estimated that Bobrick's net worth will approximate $650,000.

[3] Ordering paragraph 1(c) thereof.

[4] Ordering paragraph 1(h) of Order E-26459 which sets a general cumulative $100,000 limitation on all annual transactions, except the purchase of air transportation in the ordinary course of business, between Transamerica and its subsidiaries, on the one hand, and TIA, on the other, does not require alteration since as written it will encompass the effected and proposed changes in DeLaval's operations.

[Docket No. 23780, etc.; Order 72-5-10]

YOUTH AND STUDENT FARES IN FOREIGN AIR TRANSPORTATION

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of May 1972.

By Order 71-9-3, dated September 1, 1971, in Docket 23780, the Board instituted an investigation of the lawfulness of student and youth fares in foreign air transportation and consolidated into that proceeding the complaints of certain member carriers of the National Air Carrier Association (NACA) against certain transatlantic student fares (Docket 23490)[1] and youth fares (Docket 23534).[2] By Order 71-10-71, October 18, 1971, in Docket 23919, the Board ordered an investigation of the lawfulness of senior-citizen fares in foreign air transportation, filed by KLM Royal Dutch Airlines and Sabena Belgium World Airlines. The proceedings in Docket 23919 were consolidated into Docket 23780 by Order 71-11-30. Investigations of the lawfulness of reduced fares (1) ordered by the Government of Thailand for youths and for Thai students and student groups traveling between Los Angeles and Bangkok,[3] and (2) proposed by Caribbean-Atlantic Airlines, Inc., and Air Jamaica (1968) Ltd., for youths traveling between Miami and points in the Caribbean[4] were instituted by Orders 71-12-84, December 17, 1971, and 71-12-108, December 23, 1971, respectively, and likewise consolidated into Docket 23780.

[1] The student fares complained against were filed by KLM Royal Dutch Airlines, Pan American World Airways, Inc., Sabena Belgium World Airlines, and Trans World Airlines, Inc.

[2] The youth fares were filed by Air France, Air India, Alitalia, British Overseas Airways Corp., Pan American, Lufthansa, Sabena, Scandinavian Airlines System (SAS), Swissair, and TWA. An additional complaint requesting an investigation of these fares was filed in this docket by Harry L. Langer.

[3] These fare are offered by Air-Siam Air Co., Ltd., China Airlines, Ltd., Japan Airlines Co., Ltd., Northwest Airlines, and TWA.

[4] Similar fares offered by British West Indies Airways, Ltd., are also subject to the investigation.

Subsequently, various motions have been filed requesting the Board to dismiss the investigation or parts thereof, or to dismiss movants as a party. Pan American and TWA have filed motions to dismiss, to terminate, or to defer the investigation, primarily on the grounds that the new IATA fares agreement substantially alters the discount fares at issue and that further proceedings should await further action by governments which ordered the filing of certain of the fares under investigation.[5] However, in Order 72–3–104, March 30, 1972, in which the Board acted on various IATA agreements relating to transatlantic passenger-fare and cargo-rate matters, the Board noted that while the level of the youth fares involved in the agreement in Docket 23486 is higher than those in effect last year, the question of discrimination continues to exist, and we ordered those fares consolidated into the current investigation in Docket 23780.[6] The Board also believes that the proper dispatch of its business requires the continuation of the investigation without awaiting possible action by other governments to withdraw fares they have ordered. Accordingly, we are denying the motions of Pan American and TWA.

KLM and Sabena have advised that their proposed senior-citizen fares were canceled prior to the effective date of the tariffs. They request dismissal of that part of the investigation. No party opposes the request and the Board shall dismiss the portion of the proceeding investigating the lawfulness of senior-citizen fares. British European Airways Corp. (BEA) moved that it be dismissed on the grounds that it is not a foreign air carrier within the meaning of the Act, does not operate to, through, or from the United States or its possessions, and does not pro-rate any student, youth, or senior-citizen fares with any carrier so operating. Bureau Counsel opposes this motion, asserting that the carrier has on file with the Board certain joint fares between the United States and Berlin. However, any strictures which the Board might wish to impose against such joint fares could be accomplished by orders concerning the fares of other parties to the joint fares, and the benefits of retaining as a party a carrier with such limited significance to this case do not appear to warrant denial of BEA's motion. We also note that five member carriers of NACA moved for leave to withdraw as parties, asserting, inter alia, that participation would impose a heavy burden upon them. These carriers later filed a motion for leave to file an otherwise unauthorized pleading in order to withdraw their earlier motion and to file oppositions to motions to dismiss or terminate. We shall accept the pleadings and continue these carriers as parties. They will be expected to provide data dealing with revenues and possible dilution of traffic, respond to information requests, and otherwise participate in the investigation.

Among the fares ordered to be investigated by Order 71–9–3 were student fares for Chinese nationals between various points in the United States and Taipei, Taiwan. TWA later filed matching fares for such students between Los Angeles and San Francisco, on the one hand, and Taiwan, on the other. These TWA tariff filings shall also be ordered investigated and consolidated into Docket 23780.

Finally, Empressa Guatemalteca de Aviacion filed on March 17, 1972, to become effective April 16, 1972, special fares for full-time students between the ages of 12 and 22 traveling between Guatemala City and San Salvador, on the one hand, and Miami and New Orleans, on the other. These fares also involve questions of discrimination, preference and prejudice and shall be ordered investigated and consolidated into Docket 23780.

Accordingly, it is ordered, That:

1. An investigation is instituted to determine whether Rules 26 and 27 on 17th revised page 21, and all fares in section 5, Tables 20–A and 20–B, on 16th revised page 35 of Tariff CAB No. 208, issued by Trans World Airlines, Inc., and the Student All Year Fares on original page 30 of Tariff CAB No. 3 issued by Empressa Guatemalteca de Aviacion, including subsequent revisions and reissues thereof, and classifications, rules, regulations, and practices affecting such fares and provisions, are or will be unjustly discriminatory, unduly preferential, or unduly prejudicial, and if found to be unjustly discriminatory, unduly preferential, or unduly prejudicial, to determine how such fares and provisions, and classifications, rules, regulations, and practices should be altered to correct such discrimination, preference, or prejudice, and what order should be made to the carriers to remove such discrimination, preference, or prejudice.

2. The investigation ordered herein is consolidated into the investigation in Docket 23780.

3. Empressa Guatemalteca de Aviacion and all air carrier and foreign air carrier parties to IATA Agreement CAB 22663, R–181 and R–182, who are not presently parties to the investigation in Docket 23780, are hereby made parties to this proceeding.

4. The motions of Pan American World Airways, Inc., and Trans World Airlines, Inc., to dismiss, terminate, or defer this proceeding are hereby denied.

5. British European Airways Corp. is hereby dismissed as a party to this proceeding.

6. That portion of this proceeding concerning the investigation in Docket 23919 of the senior-citizen fares proposed by KLM Royal Dutch Airlines and Sabena Belgium World Airlines is hereby dismissed.

7. This proceeding will hereafter be designated "Youth and Student Fares in Foreign Air Transportation."

8. A copy of this order will be served upon all parties to Docket 23780, all parties to Agreement CAB 22663, and Empressa Guatemalteca de Aviacion.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72–7358 Filed 5–12–72;8:52 am]

[5] The motions were supported by National and opposed by Aviation Consumer Action Project (ACAP), Bureau Counsel, and the Department of Transportation. DOT's answer was not filed on time, but it has shown good cause for its late filing, and we shall accept it.

[6] Order 72–3–104 instituted an investigation into the new IATA Agreement CAB 22663, insofar as it concerned restrictions involving Individual Youth Fares, R–181, and the new North Atlantic Group Youth Fares, R–182. However, not all parties to the IATA resolutions were made parties to that investigation, and a few of those parties are not currently parties in Docket 23780. Therefore, we shall include in this proceeding all air carrier and foreign air carrier parties to R–181 and R–182.

CIVIL SERVICE COMMISSION

DEPARTMENT OF AGRICULTURE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Marketing and Consumer Services, Office of the Secretary, Immediate Office.

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

[FR Doc.72–7307 Filed 5–12–72;8:48 am]

DEPARTMENT OF COMMERCE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorized the Department of Commerce to fill by noncareer executive assignment in the excepted service the position Chief, Policy Support Division, Office of Telecommunications.

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

[FR Doc.72–7308 Filed 5–12–72;8:48 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Legislation (Education), Office of the Secretary,

Office of the Assistant Secretary for Legislation.

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

[FR Doc.72-7309 Filed 5-12-72;8:48 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Assistant to the Secretary for Programs for the Elderly and the Handicapped, Office of the Secretary, Immediate Office of the Secretary.

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

[FR Doc.72-7310 Filed 5-12-72;8:48 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Special Assistant for Mortgage Interest Rates, Immediate Office of the Secretary.

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

[FR Doc.72-7311 Filed 5-12-72;8:48 am]

DEPARTMENT OF TRANSPORTATION

Notice of Title Change in Noncareer Executive Assignment

By notice of February 19, 1970, F.R. Doc. 70-2109 the Civil Service Commission authorized the Department of Transportation to fill by noncareer executive assignment the position Deputy Director, Office of Information, Office of the Secretary. This is notice that the title of this position is now being changed to Assistant Director for Information, Office of the Secretary, Office of Public Affairs.

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

[FR Doc.72-7312 Filed 5-12-72;8:48 am]

COST OF LIVING COUNCIL

CERTAIN INSTITUTIONAL AND NONINSTITUTIONAL PROVIDERS OF HEALTH SERVICES

Reclassification of Price Category

By amendments to §§ 101.11(a), 101.13(a), and 101.15(a) of the Cost of Living Council regulations, effective May 2, 1972, certain institutional and noninstitutional providers of health services have been reclassified as price category I or II firms.

To provide interim guidance to such firms, and to prevent potential disruption in the health services industry, the Cost of Living Council has determined that all such newly classified price category I and II firms are to continue to report and make price adjustments in accordance with §§ 300.18 and 300.19 of the Price Commission regulations, for a period of 60 days ending July 1, 1972.

During that time, the Cost of Living Council, the Committee on the Health Services Industry, and the Price Commission will conduct a study to develop procedures to more fully implement the new classification provisions applicable to providers of health services.

DONALD RUMSFELD,
Director,
Cost of Living Council.

[FR Doc.72-7366 Filed 5-10-72;5:00 pm]

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL IMPACT STATEMENTS

Availability of Comments

Appendix I below contains a listing of draft environmental impact statements which the Environmental Protection Agency (EPA) has reviewed and commented upon in writing during the period from April 1, 1972, to April 30, 1972, as required by section 102(2)(C) of the National Environmental Policy Act of 1969 and section 309 of the Clean Air Act, as amended. The listing includes the Federal agency responsible for the statement, the number assigned by EPA to the statement, the title of the statement, the classification of EPA's comments, and the source for copies of the comments.

Appendix II below contains a listing of proposed regulations reviewed by EPA during the period from April 1, 1972, to April 30, 1972, under section 309 of the Clean Air Act. The listing includes the Federal agency responsible for the proposed regulation, the title of the regulation, the classification of EPA's comments, and the source for copies of the comment.

Appendix III below contains definitions of the four classifications of the general nature of EPA's comments. Copies of EPA's comments on these draft environmental impact statements are available to the public from the EPA offices noted.

Appendix IV below contains a listing of the addresses of the sources for copies of EPA comments listed in the appendixes.

Copies of the draft environmental impact statements are available from the Federal department or agency which prepared the draft statement or from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

Dated: May 8, 1972.

SHELDON MEYERS,
Director,
Office of Federal Activities.

APPENDIX I

ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE ISSUED BETWEEN APRIL 1, 1972 AND APRIL 30, 1972

Responsible Federal agency	Title and number of statement	General nature of comments	Source for copies of comments
Atomic Energy Commission.			
	D-AEC-00041-25: Palisades Nuclear Generation Plant	2	A
	D-AEC-00033-43: Wagon Wheel Gas Stimulation Project, Wyoming	2	A
	D-AEC-00044-14: Surry Power Station, Units 1 and 2	3	A
	D-AEC-00043-25: Enrico Fermi Atomic Power Plant	1	A
	D-AEC-00042-27: Quad Cities Nuclear Generating Station	2	A
Corps of Engineers.			
	D-COE-35016-02: Maintenance Dredging and Jetty Repair Hampton Harbor, Hampton, N.H.	2	B
	D-COE-35015-05: Maintenance Dredging Guilford Harbor, Conn	2	B
	D-COE-50086-08: No. 174 Bridge Construction, Assiscunk Creek, N.J	1	C
	D-COE-50085-08: No. 173 Bridge construction Crafts Creek, N.J	1	C
	D-COE-32329-08: No. 172 Absecon Inlet, N.J., Navigation Project	1	C
	D-COE-32328-08: No. 171 Cold Spring Inlet N.J., Navigation Project	1	C
	D-COE-32327-08: No. 170 Manasquan River, N.J., Navigation Project	1	C
	D-COE-32320-07: Gowanus Canal Navigation Improvements, New York.	1	C
	D-COE-35014-12: Proposed Filling of the South Prong of Wicomico River, Salisbury, Wicomico County, Md.	3	D
	D-COE-35013-12: Proposed Maintenance Dredging of the Federal Naval Project St. Catherine Sound, Md.	1	D
	D-COE-05179-15: Walker Dam Project, New Kent County, Va	3	D
	D-COE-32041-23: West Tenn. Tributaries-Mississippi River and Tributaries Obion and Forked Deer Rivers, Tenn. No. 210.	3	E
	D-COE-32325-24: Greenville Harbor Expansion, Mississippi	2	E
	D-COE-32185-18: Little River Inlet, North and South Carolina	2	E
	D-COE-30030-21: Beach Erosion Control Brevard County, Fla	1	E
	D-COE-30029-21: Partial Beach Restoration Bal Harbour Dade County, Fla.	2	E

APPENDIX I—Continued

Responsible Federal agency	Title and number of statement	General nature of comments	Source for copies of comments
	D-COE-32331-23: Obion and Forked Deer Rivers and Tributaries Harris Fork Creek, Tenn. and Ky.	2	E
	D-COE-32306-27: Kent Creek, Winnebago County, Ill	2	F
	D-COE-32312-35: Atchafalaya River and Bayous Chene, Boeuf, and Black, La.	2	G
	D-COE-36116-35: Monroe Floodwall, La	2	G
	D-COE-32319-35: Plaquemine Lock Closure Mississippi River and Tributaries Project, Iberville Parish, La.	2	G
	D-COE-32320-00: Treasure Island, Mississippi River, Mo	2	H
	D-COE-32325-46: Port Heuneme Harbor Ventura County, Calif	2	J
Department of Agriculture.			
	D-DOA-82031-00: Herbicide Control of Big Sage	1	A
	D-DOA-89056-00: Water Bank Program	1	A
	D-DOA-82018-01: Cooperative Spruce Budworm Suppression Project	2	A
	D-DOA-89057-00: Wheat, Feed Grain and Cotton Set-aside program	2	A
	D-DOA-89062-27: Palzo Restoration Project Williamson, Saline and Gallatin Counties, Ill.	2	F
	D-DOA-36115-35: Town of Coushatta-Flood Prevention Project Measure Twin Valley RC&D Project, La.	1	G
	D-DOA-41147-48: Clarkdale-Williams Highway State Route 279, Coconino, Prescott, and Kaibab National Forests, Ariz.	1	J
	D-DOA-82026-55: Siskiyou N.F. Herbicide Programs, Oregon	3	K
	D-DOA-41189-55: Eis on Coulter Creek Road, Wenatchee N.F	4	K
	D-DOA-60036-54: Mount Bailey Winter Sports Site (UMPQUA)	3	K
Department of Defense.			
	D-DOD-52026-00: Sonic Booms	1	A
	D-D OD-10018-18: Exotic Dancer V, N.C	2	E
Department of the Interior.			
	D-DOI-61040-01: Green Lake National Fish Hatchery, Mass	2	B
	D-DOI-02019-11: Synthane Coal Gasification Pilot Plant, Snowden Township, Allegheny County, Pa.	2	D
	D-DOI-01010-11: Demonstration Hydraulic Backfilling of Mine Voids, Scranton, Pa.	2	D
	D-DOI-89080-14: Federal Mine Health Safety Academy, Beckley, W. Va.	1	D
	D-DOI-61042-20: Blackbeard Island Wilderness Area, Ga	1	E
	D-DOI-62011-21: Chassahowitzka Wilderness Area, St. Petersburg, Fla	1	E
	D-DOI-07047-43: Lyman Tarrington 115kv. Transmission Line	2	I
	D-DOI-07012-44: Huntington Canyon Generating Station, Utah	3	A
	D-DOI-89066-48: Proposed Havasu Intake Channel	2	J
	D-DOI-31027-54: Proposed Rehabilitation and Betterment Program, Cascade Irrigation District, Yakima Project, Wash.	1	K
Department of Transportation.			
	D-DOT-41135-07: Riverdale Avenue Arterial, Yonkers, Westchester County, N.Y.	2	C
	D-DOT-41134-07: Genessee Expressway, Livingston and Munroe Counties, N.Y.	1	C
	D-DOT-50087-07: South First Street Bridge, Allegany, Cattaraugus County, N.Y.	1	C
	D-DOT-41171-12: Route 50 Relocated Bridge Approaches Across Nanticoke River, Wicomico, Md.	1	D
	D-DOT-41201-11: L.R. 1021, Section 3 O.R. X14-2, Allegheny County, Pa.	2	D
	D-DOT-41202-22: Project S-1755-A Clay-Herron St., Montgomery County, Ala.	1	L
	D-DOT-41183-20: Lakewood Freeway Extension, Fulton County, Ga.	2	E
	D-DOT-41173-17: U.S.-119 Pikeville-South Williamson Road, Pike County, Ky.	2	E
	D-DOT-41157-17: AP 98-543-5L Pike County, APD 127(29), Ky	1	E
	D-DOT-41156-21: State Road 435, Orange County, Fla	1	E
	D-DOT-41155-18: U.S.-64 Rosman to Brevard Transylvania Company, N.C.	1	E
	D-DOT-51132-24: Holly Springs-Marshall County Airport, Miss	1	E
	D-DOT-51131-20: Thomson-McDuffie County Airport Thomson, Ga	1	E
	D-DOT-51128-20: Fitzgerald Municipal Airport Extend and Widen, Ga.	1	E
	D-DOT-51127-21: Fort Lauderdale-Hollywood International Airport, Fla.	1	E
	D-DOT-51122-19: Williamsburg County Airport Kingstree, S.C	1	E
	D-DOT-51121-20: Perry-Fort Valley Airport, Peach and Houston Counties, Ga.	1	E
	D-DOT-41183-17: Laurel County Somerset-London Road, Ky	1	E
	D-DOT-41180-21: State Road 865 Lee County, Fla	1	E
	D-DOT-41179-19: James Island Expressway and South Carolina 61 Connector, Charleston.	3	E
	D-DOT-41178-21: State Road 45 (U.S.-41) Collier and Lee Counties, Fla.	1	E
	D-DOT-41174-21: State Road 540 Polk County, Fla	1	E
	D-DOT-41107-27: FAP408 Morgan, Scott and Pike Counties, Ill	2	F
	D-DOT-40819-25: I-696 Freeway, Oakland County, Mich	3	F
	D-DOT-51162-25: Kirsch Municipal Airport, St. Joseph County, Mich.	1	F
	D-DOT-51156-27: Mount Vernon-Cutland Airport, Jefferson County, Ill.	1	F
	D-DOT-51129-27: St. Louis Airport St. Clair and Monroe Counties, Ill.	1	F
	D-DOT-41158-29: State Route 146 (Improvement) Muskingum County, Ill.	2	F
	D-DOT-41145-29: Upgrading Interstate 280 Lucas County Ohio	1	F
	D-DOT-41144-29: State Route 35, Jackson County, Ohio	2	F
	D-DOT-41143-26: U.S. Highways 41 and 45 Washington, Wis	1	F
	D-DOT-41126-27: FA Route 12 and 174, Effingham County, Ill	1	F
	D-DOT-41110-29: Marion County Road 104-A, Ohio	1	F
	D-DOT-41109-27: Elgin-O'Hare Freeway, Cook and DuPage Counties, Ill.	1	F
	D-DOT-51136-25: Kent County Airport, Mich	2	F
	D-DOT-51166-33: Springdale Municipal Airport Springdale, Ark	2	G
	D-DOT-41184-35: Bayou Plaquemine Waterway, Highway Route 1	2	G
	D-DOT-41160-34: Spur 239: from Intersection of U.S. Highway 90 and 277, Del Rio, Tex.	1	G
	D-DOT-41167-38: 18-81 F 082-1(14) and (13), Riley and Geary Counties, Kans.	1	H
	D-DOT-41161-38: U.S. 75 from Kansas R. to U.S. 24, Topeka, Kans	2	H
	D-DOT-41196-39: Project U.S.-25, Dunklin County, Mo	1	H
	D-DOT-51135-42: Hoven Municipal Airport, Hoven, S. Dak	2	I
	D-DOT-51123-00: Golden Valley County Airport	2	I
	D-DOT-41164-40: Highway Project F-20(1) Montana	1	I
	D-DOT-51133-46: Napa County Airport, Napa County, Calif	2	J
	D-DOT-41186-48: Interstate Route I-17 Copper Canyon Section AR	2	J
	D-DOT-41132-55: FHP 46-4(6),3 (1), Cascade Lakes Highway, Davis Lake Bypass, Oreg.	2	K
	D-DOT-41188-54: Eis on Swamp Creek Interchange, Wash	2	K
	D-DOT-41236-54: Eis on Olson Place S.W. Widening, Seattle, Wash	1	K
Federal Power Commission.	D-FPC-05052-22: Crooked Creek Project Clay and Randolph Counties, Ala.	3	E
	D-FPC-07046-54: Eis on Project 2705 City of Seattle, Wash	1	K
Department of Health, Education, and Welfare.	D-HEW-81077-16: Model Secondary School for the Deaf, Galluadet College, Washington, D.C.	1	D
	D-HEW-81078-39: St. Francis Medical Center, Cape Girardeau, Mo	1	H
Department of Housing and Urban Development.	D-HUD-89064-54: Eis Seahurst Park, Wash	2	K
Tennessee Valley Authority.	D-TVA-82025-00: Control of Eurasian Watermilfoil	2	A

APPENDIX II

PROPOSED REGULATIONS FOR WHICH COMMENT WERE ISSUED BETWEEN APRIL 1, 1972 AND APRIL 30, 1972

Responsible Federal agency	Title and number of statement	General nature of comments	Source for copies of comments
Department of Agriculture.	Trepass—Use of Pesticides and Chemical Toxicants	1	A

APPENDIX III

DEFINITION OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

(1) *General agreement/lack of objections.* The Agency generally:

(a) Has no objections to the proposed action as described in the draft impact statement;

(b) Suggest only minor changes in the proposed action or the draft impact statement; or

(c) Has no comments on the draft impact statement or the proposed action.

(2) *Inadequate information.* The Agency feels that the draft impact statement does not contain adequate information to assess fully the environmental impact of the proposed action. The Agency's comments call for more information about the potential environmental hazards addressed in the statement, or ask that a potential environmental hazard be addressed since it was not addressed in the draft statement.

(3) *Major changes necessary.* The Agency believes that the proposed action, as described in the draft impact statement, needs major revisions or major additional safeguards to adequately protect the environment.

(4) *Unsatisfactory.* The Agency believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the safeguards which might be utilized may not adequately protect the environment from the hazards arising from this action. The Agency therefore recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

APPENDIX IV

SOURCES FOR COPIES OF EPA COMMENTS

A. Director, Office of Public Affairs, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

B. Director of Public Affairs, Region I, Environmental Protection Agency, Room 2303, John F. Kennedy Federal Building, Boston, Mass. 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, Room 847, 26 Federal Plaza, New York, NY 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, Sixth and Walnut Streets, Philadelphia, PA 19106.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, Suite 300, 1421 Peachtree Street NE., Atlanta, GA 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 1 North Wacker Drive, Chicago, IL 60606.

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, TX 75201.

H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, MO 64108.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, Lincoln Tower, Room 916, 1860 Lincoln Street, Denver, CO 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, CA 94102.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, WA 98101.

[FR Doc.72-7244 Filed 5-12-72;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[H.C. 124]

IMPERIAL CORPORATION OF AMERICA

Notice of Receipt of Application for Approval of Acquisition of Control of Lompoc Savings and Loan Association

MAY 10, 1972.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Imperial Corporation of America, San Diego, Calif., a multiple savings and loan holding company, for approval of acquisition of control of the Lompoc Savings and Loan Association, Lompoc, Calif., an insured institution under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for savings and loan holding companies, said acquisition to be effected by the exchange of the guarantee stock of Lompoc Savings and Loan Association for stock of Imperial Corporation of America. Following the proposed acquisition, Imperial Corporation proposes to merge Lompoc Savings and Loan Association into Imperial Savings and Loan Association of Santa Barbara, Santa Barbara, Calif., an insured subsidiary of Imperial Corporation. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.72-7437 Filed 5-12-72;8:51 am]

FEDERAL MARITIME COMMISSION

HAWAII/EUROPE RATE AGREEMENT

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:

Leonard G. James, Esq., Graham & James, 310 Sansome Street, San Francisco, CA 94104.

Agreement No. 8410-7 modifies the rate agreement's self-policing provisions to include the mandatory provisions required by the Commission's General Order 7, as revised October 27, 1970, in consequence of its new status as a three party rate agreement.

Dated: May 10, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-7348 Filed 5-12-72;8:51 am]

[Independent Ocean Freight Forwarder License 1279]

MOHEGAN INTERNATIONAL CORPORATION OF FLORIDA

Order of Revocation

On April 26, 1972, the Commission received notification that Mohegan International Corporation of Florida, 8701 Southwest 89th Court, Miami, FL 33143, wished to surrender its independent Ocean Freight Forwarder License No. 1279 for cancellation effective immediately.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(f) (dated May 1, 1972);

It is ordered, That the Independent Ocean Freight Forwarder License No. 1279 of Mohegan International Corporation of Florida be and is hereby revoked effective April 26, 1972, without prejudice to reapply for a license at a later date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Mohegan International Corporation of Florida.

AARON W. REESE,
Managing Director.

[FR Doc.72-7350 Filed 5-12-72;8:51 am]

INACTIVE TARIFFS

Notice of Cancellation

By notice published in the FEDERAL REGISTER on March 25, 1972, the Commission notified the carriers named therein of its intent to cancel certain tariffs 30 days thereafter in the absence of a showing of good cause why such tariffs should not be canceled. The following carriers failed to respond to the notice:

Ralph Acosta Express, 738 East 180th Street, Bronx, NY 10460.
Benson Transportation Co., Post Office Box 96, Metlakatla, AK 99926.
Atlas Van Service, Inc., 2506 West Sixth Street, Los Angeles, CA 90023.
Mr. R. S. Stowell, doing business as Western Parcell Service, Post Office Box 1070, San Diego, CA 92112.
Wings Van and Storage Co., 4000 Cherry Street, Long Beach, CA 90807.

Accordingly, by the Commission pursuant to authority delegated by section 7.15 of Commission Order No. 1 (revised) dated May 1, 1972, the tariffs of the above named carriers were cancelled on May 5, 1972.

AARON W. REESE,
Managing Director.

[FR Doc.72-7349 Filed 5-12-72;8:51 am]

FEDERAL POWER COMMISSION

[Docket No. RP72-117]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Proposed Changes in Rates and Charges

MAY 3, 1972.

Take notice that Algonquin Gas Transmission Co. (Algonquin) on April 20, 1972, tendered for filing proposed changes in its FPC rate schedules to track increases in its purchased gas cost. The proposed changes would increase revenues from jurisdictional sales and service by $186,735 based on a 12-month period ending March 31, 1972. Algonquin proposes that the changes in rates become effective on June 1, 1972, or on such other day as the underlying increased rates by Texas Eastern become effective.

The proposed rate change is described in the company's transmittal letter as follows:

The rate increase * * * is filed to compensate only for an increase in purchased gas cost. Such increase in the cost of purchased gas results from the rate increase filed by Algonquin's sole supplier, Texas Eastern Transmission Corp. (Texas Eastern) on or about April 14, 1972, and proposed to become effective on June 1, 1972. The Texas Eastern rate increase reflects the tracking of advance payments to Signal Oil and Gas Co., the Louisiana Land and Exploration Co., Amerada Hess Corp., and Marathon Oil Co., and is in accordance with the provisions of Article V of the stipulation and agreement dated January 21, 1971, approved by Commission order issued March 24, 1971, in Texas Eastern Dockets Nos. RP70-29 et al.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 15, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-7314 Filed 5-12-72;8:49 am]

[Project 2301]

MONTANA POWER CO.

Notice of Availability of Environmental Statement for Inspection

MAY 3, 1972.

Notice is hereby given that on October 29, 1970, as required by § 2.81(b) of Commission regulations under Order 415-B (36 F.R. 22738, November 30, 1971) a draft environmental statement containing information comparable to an agency draft statement pursuant to section 7 of the guidelines of the Council on Environmental Quality (36 F.R. 7724, April 23, 1971) was placed in the public files of the Federal Power Commission. This statement deals with an application filed pursuant to the Federal Power Act, for a new license for the existing Mystic Lake Project No. 2301. This statement is available for public inspection in the Commission's Office of Public Information, Room 2523, General Accounting Office, 441 G Street NW., Washington, DC. Copies will be available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

The project, located in Stillwater and Carbon Counties, Mont., consists of a concrete arch dam 45 feet high; a 446-acre reservoir (Mystic Lake); a pipeline and penstock extending to a powerhouse having a 10,000 kw. installed capacity and located on West Rosebud Creek; and about 20 miles of transmission line. The licensee also proposes the addition of a 49-acre re-regulating reservoir downstream of the power house to reduce fluctuation of stream flows caused by project operation.

Any person desiring to present evidence regarding environmental matters in this proceeding must file with the Federal Power Commission a petition to intervene, and also file an explanation of their environmental position, specifying any difference with the environmental statement upon which the intervenor wishes to be heard, including therein a discussion of the factors enumerated in § 2.80 of Order 415-B. Written statement by persons not wishing to intervene may be filed for the Commission's consideration. The petitions to intervene or comments should be filed with the Commission on or before 45 days from May 2 ,1972. The Commission will consider all response to the statement.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-7315 Filed 5-12-72;8:49 am]

[Docket No. CP72-123]

NORTHERN NATURAL GAS CO.

Order Granting Motion

MAY 2, 1972.

Order granting motion for severance and consideration of portion of pending application, permitting abandonment of various direct sales facilities, providing for hearing on remaining portion of application, establishing procedures for hearing, and granting intervention.

On November 4, 1971, Northern Natural Gas Co. (Northern) filed an application requesting a certificate of public convenience and necessity authorizing the construction during the calendar year 1972 and operation of various gas-sales facilities for the transportation of natural gas in interstate commerce and for permission and approval to abandon various direct sales facilities during the calendar year of 1972.[1]

By its application, Northern seeks budget-type authority to construct during 1972 and operate unspecified gas-sale and transportation facilities for the establishment of new and additional delivery points for service to residential and small volume commercial and industrial customers and to make unspecified miscellaneous branchline and town border station rearrangements not resulting in any change in service to existing customers. Northern proposes to utilize the gas-sales and transportation facilities to sell and deliver natural gas to its existing distributor customers, including its People Division, for resale in existing market areas to residential and small volume commercial and industrial customers only. Northern also requests budget-type authorization permitting the cessation of service and removal of direct sales measuring, regulating, and related minor facilities during the calendar year of 1972.

On December 13, 1971, Iowa Public Service Co. (IPS) filed a petition to intervene in this proceeding. In its petition, IPS, a distributor customer of Northern's, noted that it had filed a complaint against Northern in Docket No. RP72-67 alleging that Northern had violated its tariff by refusing to provide a satellite sales station for service to a resale customer and that the grant of the certificate requested here may result in the acquiescence by the Commission of the alleged tariff violation. Accordingly, IPS asserts that it has a material and substantial interest in this proceeding which is not adequately represented by any other party and therefore re-

[1] By letters filed Apr. 10, 1972, and Apr. 21, 1972, Northern detailed its intended use of the budget sales authorization requested and agreed to accept certain conditions to a certificate issued therein.

quests intervention. IPS however does not request that this matter be set for formal hearing, but requests the right to participate if a formal hearing is held.

On March 27, 1972, Northern filed a motion requesting severance and prompt consideration by the Commission of the portion of its application that pertains to Northern's request for permission and approval to abandon and remove various minor direct sales facilities. Northern states that, unlike its application to establish additional delivery points, its request for abandonment appears to be uncontroverted.

Due to its gas supply shortage, Northern has made recent emergency purchases of natural gas to help meet its firm requirements. However, Northern, in its application, is seeking authority to construct additional sales and transportation facilities that, if granted, will increase its firm requirements. Accordingly, we will grant Northern's motion to sever and consider separately its abandonment request and its new sales and transportation facilities request. On the pleadings before us, we will grant Northern's abandonment request and will require its new sales and transportation facilities request to be justified on an evidentiary record made in a public hearing.

The Commission finds:

(1) Good cause exists for granting Northern's motion to sever and consider a portion of its pending application.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission permit the abandonment of various direct sales facilities during the calendar year 1972 as requested by Northern in its application filed November 4, 1971, and that the Commission enter upon a hearing concerning Northern's request for budget-type authorization for the construction during 1972 and operation of unspecified gas sales and transportation facilities as requested in the aforementioned application.

(3) Good cause exists for establishing the hearing procedures hereinafter ordered.

(4) The participation of IPS in this proceeding may be in the public interest.

The Commission orders:

(A) Northern's motion for severance and consideration of a portion of its pending application is hereby granted.

(B) Permission and approval is hereby given pursuant to section 7(b) of the Natural Gas Act for Northern to abandon various direct sales facilities during the calendar year 1972 as requested in its application filed November 4, 1971.

(C) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held 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, concerning the propriety of issuing a certificate of public convenience and necessity to Northern for its proposed construction during 1972 and operation of unspecified gas sales and transportation facilities as set forth in its application filed on November 4, 1971.

(D) On or before May 15, 1972, Northern shall serve its testimony and exhibits comprising its case-in-chief in support of its application on all parties to this proceeding and, at the hearing on May 23, 1972, cross-examination will commence on that testimony and exhibits which are proffered and accepted in evidence.

(E) A Presiding Examiner to be designated by the Chief Examiner for the purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding and shall prescribe relevant procedural matters not herein provided.

(F) IPS is hereby permitted to intervene in this proceeding, subject to the rules of practice and procedure and the regulations of the Commission: *Provided, however,* That the participation of such intervenor shall be limited to matters affecting the rights and interests specifically set forth in its petition to intervene: *And provided, further,* That the admission of such intervenor shall not be construed as recognition that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-7279 Filed 5-12-72;8:47 am]

[Dockets Nos. CI72-685 and CI72-686]

PHILLIPS PETROLEUM CO.

Notice of Applications

MAY 3, 1972.

Take notice that on April 21, 1972, Phillips Petroleum Co. (applicant), Bartlesville, Okla. 74004, filed in Dockets Nos. CI72-685 and CI72-686 applications pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing sales for resale of natural gas in interstate commerce to El Paso Natural Gas Co. (El Paso) from gasoline plants in Texas, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Applicant proposes to sell and deliver to El Paso, pursuant to a Surplus Residue Gas Purchase Contract dated March 1, 1972, residue gas, remaining at its Tunstill Gasoline Plant in Reeves County, Tex. (Docket No. CI72-685) and its Winkler Gasoline Plant in Winkler County, Tex. (Docket No. CI72-686), after processing raw gas produced from properties developed by applicant and connected to its Tunstill and Winkler Plant gathering systems from and after March 1, 1972, and after processing raw gas purchased from other producers under any renewal or extension of an existing contract and under new contracts entered into and after November 1, 1971, which supply the Tunstill and Winkler Plants. Applicant's Tunstill gathering system serves Loving, Reeves, and Culberson Counties, Tex., and Lee and Eddy Counties, N. Mex.; and applicant's Winkler gathering system serves primarily Winkler County, Tex.

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

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

Any person desiring to be heard or to make any protest with reference to said applications should on or before May 23, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-7316 Filed 5-12-72;8:49 am]

[Docket No. RP70-38 etc.]

SOUTHERN NATURAL GAS CO.

Notice of Motion for Approval of Settlement

MAY 3, 1972.

Take notice that on April 28, 1972, Southern Natural Gas Co. (Southern)

filed a motion for approval of a settlement of pending proceedings in Dockets Nos. RP70–38, RP71–70, RP71–103, and RP72–22, and in settlement of the issues of book depreciation rate and rate of return in Docket No. RP72–91.

The tendered settlement provides for jurisdictional refunds totaling $15,162,-363 for the period January 1, 1971, through December 31, 1971, and additional refunds for the period January 1, 1972, through June 30, 1972, based upon volumes delivered during that period.

In Docket No. RP70–38 Southern proposed a 9 percent rate of return on rate base and increases in its composite book depreciation rate applicable to onshore properties from 3.5 percent to 4.5 percent and in its composite book depreciation rate applicable to offshore properties from 3.5 percent to 5 percent. Under the settlement Southern's rate of return will be 8.75 percent; the composite book depreciate applicable to onshore properties will be maintained at 3.5 percent and will be increased to 5 percent on offshore properties.

In Docket No. RP72–91 Southern proposed a 9.25 percent rate of return and composite book depreciation rates of 4.5 percent and 5 percent applicable to its onshore and offshore properties, respectively. The proposed settlement fixes the rate of return at 8.75 percent for Docket No. RP72–91 and requires Southern to utilize 3.5 percent and 5 percent composite book depreciation rates for onshore and offshore properties, respectively, in Docket No. RP72–91.

The settlement further provides that existing issues in Docket No. RP70–38 and any new issues in Docket No. RP72–91 relating to tariff changes, other than those determining the level of rates, shall be separately considered as Phase I in Docket No. RP72–91.

Copies of the motion and the stipulation and agreement were served upon all of the parties to the proceedings, all of Southern's jurisdictional customers, and all interested State Commissions.

Answers or comments to the motion and proposed settlement may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before May 19, 1972.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–7317 Filed 5–12–72;8:49 am]

[Docket No. CS72–1037 etc.]

ESTATE OF W. G. ROGERS ET AL.

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

MAY 4, 1972.

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

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 2, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

Docket No.	Date	Name of applicant
CS72–1037..	4–27–72	Estate of W. G. Rogers, 3707 Rawlins, Suite 416, Dallas, TX 75219.
CS72–1038..	4–27–72	Blaine Dunbar, 212 Longview National Bank Bldg., Longview, Tex. 75601.
CS72–1039..	4–27–72	Wm. H. McCartney, Forbing, LA 71026.
CS72–1040..	4–24–72	Elizabeth H. Ford et al., 4537 Office Park Dr., Jackson, MS 39206.
CS72–1041..	4–24–72	Daisy M. Pickering, 4537 Office Park Dr., Jackson MS 39206.
CS72–1042..	4–24–72	Joe W. Magee, 4537 Office Park Dr., Jackson, MS 39206.
CS72–1043..	4–27–72	Harry L. Bigbee, Post Office Box 669, Santa Fe, NM 87501.
CS72–1044..	4–27–72	Petroleum Consultants, Inc., 1420 Carlisle Blvd., NE., Albuquerque, NM 87110.
CS72–1045..	4–27–72	Featherstone Development Corp., 1717 West Second St., Roswell, NM 88201.
CS72–1046..	4–27–72	Olen F. Featherstone, 1717 West Second St., Roswell, NM 88201.
CS72–1047..	4–27–72	Aubrey E. Kenyon, Post Office Box 82, Midland, TX 79701.
CS72–1048..	4–27–72	Wiley Fairchild, Post Office Box 31, Hattiesburg, MS 39401.
CS72–1049..	4–27–72	Columbus Export Corp., Apartado 61.350, Caracas, Venezuela.

[FR Doc.72–7218 Filed 5–12–72;8:45 am]

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

FEDERAL RESERVE SYSTEM

BOATMEN'S BANCSHARES, INC.

Order Approving Acquisition of Bank

Boatmen's Bancshares, Inc., St. Louis, Mo., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Bank of Troy, Troy, Mo. (Bank).

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant, the sixth largest banking organization and the sixth largest bank holding company in Missouri on the basis of deposits, has four subsidiary banks with aggregate deposits of $349.2 million, representing 3.03 percent of the total commercial bank deposits in the State. (All banking data are as of June 30, 1971, adjusted to reflect holding company acquisitions and formations approved by the Board through March 31, 1972.) Consummation of the proposal herein would increase applicant's share of commercial bank deposits in the State by less than 0.1 of a percentage point, and would not alter applicant's ranking among the State's other banking organizations and bank holding companies.

Bank ($8 million of deposits) is the only bank in Troy, a community with a population of about 2,500, and ranks as the largest of six banks in Lincoln County (the relevant market), with 27.2 percent of area deposits. Although Bank is the largest bank in the Lincoln County market, it does not occupy a dominant position. Bank has been operated conservatively, with a loan to deposit ratio of approximately 30 percent; and, although its earnings have increased steadily and prospects appear favorable, its rate of growth has been slower than that of the competing area banks. Applicant's subsidiary located closest to Bank is 22 miles southeast of Bank; neither it nor any of applicant's other subsidiaries compete with Bank to any significant extent. Moreover, the development of such competition is considered unlikely because of the large number of banks in the intervening area, Missouri's restrictive branching law, and a low population to bank ratio in Bank's service area mitigating against applicant's de novo entry into the Lincoln County area. It appears, therefore, that consummation of the proposed acquisition would not eliminate existing or potential competition nor have adverse effects on any competing bank.

The considerations relating to the financial and managerial resources are regarded as satisfactory and consistent with approval of the application as they relate to applicant and its subsidiaries, and lend some weight toward approval as they relate to Bank since applicant will

assist Bank in meeting a management succession problem, and will provide Bank with additional personnel in order to better serve the needs of the community. Applicant proposes to broaden Bank's lending program, establish Saturday banking, add a drive-in facility, and provide trust and data processing services. None of the above services are generally accessible to the residents of the area, and the addition and expansion of these services should aid in the development of the area. Thus, these considerations relating to the convenience and needs of the area lend weight for approval of the application. It is the Board's judgment that the proposed transaction is in the public interest and should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order, or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of St. Louis pursuant to delegated authority.

By order of the Board of Governors,[1] effective May 4, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-7280 Filed 5-12-72;8:47 am]

FIRST BANCORP, INC.

Order Denying Formation of Bank Holding Company

First Bancorp, Inc., Cincinnati, Ohio, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of: (1) The Athens National Bank, Athens (Athens Bank); (2) the Security Bank, Athens (Security Bank); and (3) the New Richmond National Bank, New Richmond (Richmond Bank), all in Ohio.

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

The subject banks are presently owned by a partnership and its wholly owned subsidiary corporation, both of which became regulated bank holding companies as a result of the Bank Holding Company Act Amendments of 1970. Both have filed irrevocable declarations pursuant to section 4(c)(12) of the Act and the Board's regulations thereunder that they will divest themselves of their interests in the banks prior to January 1, 1981. Applicant would initially be owned by these companies, however, applicant states that it is intended that the companies would divest themselves of the banks by selling applicant's shares to a control group and to other members of the public. It is contended that this proposal is necessary in order to permit more orderly divestiture of the banks and that the banks are more marketable as a package.

Athens Bank ($32.5 million deposits), the largest of eight banks in the Athens County, Ohio, banking market, operates six branches in that market (five of which are located within the city of Athens) and controls approximately 38 percent of total deposits in commercial banks in that area. (All banking data are as of June 30, 1971, and reflect bank holding company formations and acquisitions through December 31, 1971.) Security Bank ($12.9 million deposits) operates one banking office located in the city of Athens and is the second largest bank in the Athens County banking market, controlling approximately 15 percent of total deposits in commercial banks in that market. New Richmond Bank ($4.2 million deposits) operates one bank approximately 130 miles east of Athens, Ohio, in the city of New Richmond, Clermont County, Ohio (which is considered part of the Cincinnati, Ohio, banking market) and controls 0.2 percent of deposits in commercial banks in that market.

Security and Athens Banks, which together hold more than 50 percent of the total deposits in commercial banks in the Athens County area, have been affiliated by common stock ownership since 1963 and this ownership was formalized by the acquisition of the banks in 1963 and 1966, respectively, by a partnership and its affiliated corporation. The main office of Athens Bank and the only office of Security Bank are located directly across the street from each other in downtown Athens. Four branches of Athens Bank are located within a 4-mile radius of its main office. Although both banks are chartered as commercial banks, by agreement, Security Bank has been operated more in the nature of a savings bank by accepting only time and savings accounts from the general public. The Board concurs with applicant's statement that no present competition exists between these banks which would be eliminated by the proposal herein. However, the Board finds that the proposal raises serious competitive questions in view of applicant's stated intention to divest these banks as a unit through the bank holding company vehicle.

The Department of Justice, commenting on the competitive effects of the proposal, found that the establishment of common ownership and control of the two Athens banks was anticompetitive in its origin and that their joint operation in the same banking market eliminated substantial actual and potential competition. The Department found that allowing acquisition of both banks by applicant would tend to perpetuate a high degree of concentration in the Athens market and would have a significantly adverse effect on competition.

The Board is aware that neither approval nor denial of the instant application will have any immediate effect on banking competition or concentration in the Athens market. However, the Board believes that in a concentrated market, such as Athens, the foreclosure of any significant possibility of deconcentration has an adverse effect on competition. Security Bank has full commercial banking powers and absent the present relationship has the potential of being an active competitor in Athens. The rapid growth of Hocking Valley Bank of Athens (founded in 1965) to virtually the same size as Security Bank shows the need in Athens for competitive banking alternatives.

At present the banks are subject to divestiture prior to January 1, 1981. Any such divestiture through sale to corporate or partnership interests would require the prior approval of the Board. Given the structure of banking in Athens, it is clear that, were the two banks unaffiliated, any proposal to place them both in the same holding company structure would involve significantly anticompetitive effects. Consummation of the instant proposal would virtually insure the continued operation of the banks as a group and foreclose the probability that the required divestiture would be carried out through sale of the banks separately and that Security Bank would realize its potential as an alternative source of full banking services. This foreclosure has a significantly adverse effect on potential competition. Affiliation of New Richmond Bank with either of the Athens Banks would not, however, raise similar problems.

On the basis of the record, and due to the fact that the instant proposal involves merely a restructuring of present affiliations, the Board finds that the proposal would have little effect on the banking convenience and needs of the communities to be served or on the financial and managerial resources and future prospects of the banks involved. These considerations provide no weight toward approval and do not outweigh the adverse competitive effects of the proposal. It is the Board's judgment that consummation of the proposal would not be in the public interest and that the application should be denied.

On the basis of the record, the application is denied for the reasons summarized above.

By order of the Board of Governors,[1] effective May 4, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc. 72-7281 Filed 5-12-72;8:47 am]

[1] Voting for this action: Chairman Burns and Governors Robertson, Daane, Brimmer, and Sheehan. Absent and not voting: Governors Mitchell and Maisel.

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, and Sheehan. Absent and not voting: Governors Daane, Maisel, and Brimmer.

HUNTINGTON BANCSHARES, INC.

Order Approving Acquisition of Bank

MAY 4, 1972.

Huntington Bancshares, Inc., Columbus, Ohio, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of the First National Bank of Kenton, Kenton, Ohio (Bank).

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant, the fourth largest multibank holding company and the sixth largest banking organization in Ohio, has 11 subsidiary banks with aggregate deposits of $903 million, representing approximately 4 percent of total commercial bank deposits in the State. (All banking data are as of June 30, 1971, and reflect all bank holding company acquisitions approved through March 31, 1972.) Consummation of the proposal herein would increase applicant's share of commercial bank deposits in the State by an insignificant amount and its ranking in the State would be unchanged.

Bank (approximately $12 million deposits) operates one banking office located in Kenton, Hardin County, Ohio. Bank is the second largest of seven banks in the Hardin County banking market, and controls 20 percent of the total commercial bank deposits in that area.

Applicant's subsidiary bank located closest to Bank is 27 miles northwest of Bank in adjoining Allen County, Ohio, and is considered to operate in a separate but adjacent banking market. It appears that there is no significant competition between Bank and this or any of applicant's other subsidiary banks. Moreover, it does not appear likely that such competition would develop in the future because of the distances separating Bank from applicant's present subsidiary banks, the number of banks located in intervening areas, and the restrictive provisions of the Ohio law on branch banking. Although Bank and applicant's Allen County subsidiary could elect to establish branches in closer proximity to each other along their common county border, the rural character of the area separating these banks and the presence of three intervening banks make this possibility remote. There appears to be little likelihood that applicant would establish a de novo office in the Hardin County banking market in view of the low population per banking office ratio existing in that area.[1] It appears, therefore, that consummation of the proposal herein would neither eliminate meaningful existing competition nor foreclose significant potential competition. Affiliation with applicant will introduce an additional bank holding company organization into the Hardin County area and should enable Bank to compete more aggressively with the area's largest bank, which is a subsidiary of the State's largest bank holding company. Thus, approval of the instant application should have a procompetitive effect on competition in the area.

On the basis of the record before it, the Board concludes that consummation of the proposed acquisition would not have an adverse effect on competition in any relevant area. The financial and managerial resources and prospects of applicant and its subsidiary banks are satisfactory and consistent with approval of the application. Bank's financial condition and future prospects are satisfactory. Affiliation with applicant should enable Bank to draw upon applicant's managerial resources to provide an adequate source of qualified management personnel. The banking needs of the Hardin County area appear to be adequately served at the present time; however, applicant proposes to make trust services available through Bank and to assist Bank in meeting requests for larger loans through participation agreements with its other subsidiary banks. Thus, considerations relating to the convenience and needs of the communities to be provided these additional services lend some weight toward approval of the application.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order, or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,[2] effective May 4, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-7283 Filed 5-12-72;8:47 am]

[1] Population to banking office ratio of Hardin County is 3,081 compared with the State average of 5,764.

[2] Voting for this action: Chairman Burns and Governors Robertson, Daane, Brimmer, aand Sheehn. Absent and not voting: Governors Mitchell and Maisel.

MASSACHUSETTS BANKSHARES, INC.

Formation of One-Bank Holding Company

Massachusetts Bankshares, Inc., Hingham, Mass., 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 at least 80 percent of the voting shares of Lincoln Trust Co., Hingham, Mass. 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 Boston. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than June 7, 1972.

Board of Governors of the Federal Reserve System, May 8, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-7318 Filed 5-12-72;8:49 am]

WYOMING BANCORPORATION

Order Approving Acquisition of Bank

Wyoming Bancorporation, Cheyenne, Wyo., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 97.6 percent or more of the voting shares of University National Bank of Laramie, Laramie, Wyo. (Bank).

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant controls eight banks with total deposits of $81.3 million, representing 9.7 percent of the total deposits in commercial banks in Wyoming,[1] and is the second largest banking organization in the State. (Banking data are as of June 30, 1971.) Acquisition of Bank (deposits of $6.9 million) would not significantly increase applicant's share of total deposits in the State.

Bank is the smallest of three banks operating in the Laramie banking market (approximated by Albany County) and holds approximately 11.9 percent of the deposits in the market. Applicant's subsidiary closest to Bank is located in Cheyenne, 50 miles east of Laramie. This distance, the existence of intervening banks and geographical barriers, and Wyoming's prohibition against branch banking have precluded the development of competition between any of applicant's subsidiary banks and Bank. These same factors would appear to preclude the future development of competition between any of those subsidiaries and Bank. The population of the Laramie banking market adequately supports three banks, but is insufficient to make the market attractive for de novo entry.

The financial and managerial resources and future prospects of applicant, its subsidiary banks, and Bank are considered generally satisfactory and are consistent with approval. Consummation of this proposal would have beneficial effects on the convenience and needs of the Laramie area in that consummation

[1] On Mar. 23, 1972, the Board approved applicant's acquisition of voting shares of banks in Lander, Lusk, and Rawlins, Wyo. Data for these banks are including in the textual data for applicant.

will enable Bank to activate its trust powers and to broaden its lending activities, especially in the areas of residential and agricultural lending. Considerations related to the convenience and needs of the communities to be served, therefore, weigh slightly in favor of approval. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order, or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[2] effective May 4, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-7284 Filed 5-12-72;8:47 am]

PRICE COMMISSION

PRICE INCREASES FOR UTILITY SERVICES

Proposed Rules by Regulatory Agencies in Considering Requests Under Jurisdiction

On March 18, 1972, the Price Commission published a new § 300.16a of its regulations. Paragraph (d) of that section provided for the submission to the Price Commission, by each Federal or State regulatory agency, of a proposed set of rules for the agency's use in considering requests for price increases for utility services under its jurisdiction, the proposed rules to encompass the general criteria of the new section. The paragraph further provided that such rules would be subject to approval and certification by the Price Commission, and that a set of rules to which the Price Commission made no response within 30 working days after receipt should be considered as approved.

Several State and Federal regulatory agencies have submitted proposed rules to the Commission in response to the new section. The Commission has given a great deal of consideration to those proposals, but due to the wide variety of approaches taken in the proposals, the need for some degree of uniformity of approach, and the wide disparity between the jurisdictions of the several agencies involved, the Commission has not yet issued any certificates. It has notified each agency making a submission, within the 30-day period referred to above, that their submissions would not be automatically approved by the passage of the 30 working days from the date of submission.

[2] Voting for this action: Chairman Burns and Governors Robertson, Daane, Brimmer, and Sheehan. Absent and not voting: Governors Mitchell and Maisel.

Therefore each public utility price increase that is subject to the jurisdiction of the Price Commission remains subject to §§ 300.16 and 300.16a until such date as the regulatory agency having jurisdiction over that public utility has received a certificate of approval from the Price Commission. The Commission will make a public announcement of each certificate that it issues, at the time of issuance.

Interested members of the public may examine any submission made by a regulatory agency in compliance with § 300.16a(d), together with comments received thereon, in the Office of Public Affairs of the Price Commission, 2000 M Street NW., Washington, DC, during official working hours.

Issued in Washington, D.C., on May 10, 1972.

C. JACKSON GRAYSON, Jr.,
Chairman, Price Commission.

[FR Doc.72-7391 Filed 5-12-72;8:53 am]

SECURITIES AND EXCHANGE COMMISSION

[File 500-1]

FIRST FIDELITY CO.

Order Suspending Trading

MAY 4, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, no par value, of First Fidelity Co. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective from May 6, 1972, through May 15, 1972.

By the Commission.

[SEAL] GLADYS E. GREER,
Assistant Secretary.

[FR Doc.72-7288 Filed 5-12-72;8:47 am]

[812-3169]

PIPER, JAFFRAY & HOPWOOD, INC.

Notice of Filing of Application for Exemption

MAY 8, 1972.

Notice is hereby given that Piper, Jaffray & Hopwood, Inc. (Applicant), 115 South Seventh Street, Minneapolis, MN 55402, in connection with a proposed public offering of up to 2,200,000 shares of common stock (Common Shares) and 330,000 shares of cumulative preference stock (Preference Shares) (collectively the "Shares") of the REIT Income Fund, Inc. (Company), a registered, closed-end, diversified management investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act) for an order exempting certain transactions from section 30(f) of the Act to the extent that such section adopts section 16(b) of the Securities Exchange Act of 1934 (Exchange Act). All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Applicant is the prospective representative (Representative) of a group of underwriters (Underwriters) to be formed in connection with the aforementioned public offering.

Applicant contemplates that each Underwriter, including the Representative will execute an Agreement Among Underwriters and that the Representative acting both for itself and as Representative of the several Underwriters, will execute an Underwriting Agreement with the Company and GPM Trust Managers, Inc., the Company's investment adviser (Adviser). It is also expected that one or more dealers will offer and sell certain of the Shares for the accounts of the Representative. Pursuant to the Underwriting Agreement the Underwriters may not sell the Shares to other underwriters or dealers without the consent of the Representative. Under the proposed underwriting arrangements, each Underwriter, respectively, will be obligated to offer to the public its Underwriting Commitment.

Applicant states that it is possible that the Underwriting Commitment of any one or more of the Underwriters, including the Representative, will exceed 10 percent of the aggregate number of shares of the Company's Common Shares and/or Preference Shares. Since section 30(f) of the Act subjects every person who is directly or indirectly the beneficial owner of more than 10 percent of any class of outstanding securities of the Company to the same duties and Liabilities as those imposed by section 16 of the Exchange Act, such Underwriter or Underwriters would become subject to the filing requirements of section 16(a) of the Exchange Act and, upon resale of the shares purchased by them to their customers, subject to the obligations imposed by section 16(b) of the Exchange Act.

Rule 16b-2 under the Exchange Act exempts certain Underwriters from the operation of section 16(b). Applicant states that the purpose of the purchase of the shares by the Underwriters will be for resale in connection with the initial distribution of the shares. Applicant states that such purchases, therefore, will be transactions effected in connection with a distribution of a substantial block of securities within the purpose and spirit of Rule 16b-2.

Applicant states that although it is anticipated that the requirements of Rule 16b-2(a)(1) and (2) will be met, one or more of the Underwriters, through their participation in the distribution of the Shares of the Company, may not be entitled to rely upon Rule 16b-2 to exempt them from section 16(b) of the Exchange Act. The requirements in Rule 16b-2(a)(3) that the aggregate participation of Underwriters not within section

16(b) of the Exchange Act be at least equal to the participation of Underwriters exempted therefrom under Rule 16b–2 may not be met because it is possible that one or more of the Underwriters may purchase more than 10 percent of the aggregate number of the shares of the Company's Common Shares and/or Preference Shares to be outstanding after the closing, as a result of obligations to purchase additional shares due to defaults by other Underwriters. Moreover, one or more of the Underwriters who are obligated through the Underwriting Agreement to purchase more than 10 percent of the aggregate number of shares of the Company's Common Shares and/or Preference Shares to be outstanding after the closing, may, as Underwriters and as selected dealers, distribute more than 50 percent of the aggregate number of shares being offered. Such a distribution would not meet the requirement of Rule 16b–2(a)(3).

In addition to purchases of shares from the Company and sales of shares to customers, there may be the usual transactions of purchase or sale incident to a distribution such as stabilizing purchases, purchases to cover overallotments or other short positions created in connection with such distribution, and sales of shares purchased in stabilization.

Applicant states that there is no inside information in existence since the Company, prior to the initial distribution of the shares, will have no assets other than cash, or business of any sort, and all material facts with respect to the Company will be set forth in the prospectus pursuant to which the shares will be offered and sold. No partner, director or officer of Applicant is a director or officer of either the Company or the Adviser and Applicant states that it is not anticipated that any partner, director or officer of any other Underwriter will be a director or officer of the Company or the Adviser.

Applicant maintains that the requested exemption from the provisions of section 30(f) of the Act is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. It further asserts that the transactions sought to be exempted cannot lend themselves to the practices to which section 16(b) of the Exchange Act and section 30(f) of the Act were enacted to apply.

Section 6(c) of the Act authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities, or transactions, from any provision of the Act and rules promulgated thereunder if and to the extent that such exempton is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than May 22, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the Application herein may be issued by the Commission upon the basis of the information stated in said Application, unless an order for hearing upon said Application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72–7289 Filed 5–12–72;8:47 am]

[File 500–1]

TOPPER CORP.

Order Suspending Trading

MAY 8, 1972.

The common stock, $1 par value, of Topper Corp. being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Topper Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 19(a)(4) and 15(c)(15) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 9, 1972, through May 18, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72–7290 Filed 5–12–72;8:48 am]

[70–5192]

WEST PENN POWER CO.

Notice of Proposed Issue and Sale at Competitive Bidding of Principal Amount of First Mortgage Bonds and Shares of Preferred Stock and Amendment of Charter

MAY 8, 1972.

Notice is hereby given that West Penn Power Co. (West Penn), 800 Cabin Hill Drive, Greensburg, PA 15601, an electric utility subsidiary company of Allegheny Power System, Inc., a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

West Penn proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $35 million principal amount of its First Mortgage Bonds, Series AA, _____ percent due June 1, 2002. The interest rate of the bonds (which will be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to West Penn (which will be not less than 100 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under the indenture dated March 1, 1916, between West Penn and The Chase Manhattan Bank, as Trustee, as heretofore supplemented and as to be further supplemented by a supplemental indenture to be dated as of June 1, 1972, which includes a 5-year prohibition against redemption with or in anticipation of moneys borrowed at lower interest costs.

West Penn also proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 100,000 shares of its $_____ Preferred Stock, Series H, par value $100 per share. The dividend rate (which will be a multiple of 4 cents) and the price (exclusive of accrued dividends) to be paid to West Penn (which will be not less than $100 nor more than $102.75 per share) will be determined by the competitive bidding. In connection with the issue and sale of the preferred stock, West Penn proposes to amend its charter to increase the authorized number of shares of its preferred stock from 747,077 to 847,077.

The net proceeds realized from the sale of the bonds and the preferred stock will be used to finance, in part, the construction program of West Penn and its subsidiary companies, including payment of $41 million of short-term notes incurred therefor. Construction expenditures for 1972 and 1973 are presently estimated at $83 million and $78 million, respectively.

It is stated that registration by the Pennsylvania Public Utility Commission

of securities certificates with respect to the bonds and preferred stock is required for their issue and sale, that such securities certificates are being filed with that Commission, and that copies of the orders of that Commission will be filed by amendment. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

The fees and expenses to be incurred in connection with the transactions are estimated at $64,000 for the bonds and $32,000 for the preferred stock, including legal fees of $12,500 for the bonds and $7,500 for the preferred stock. The fees of counsel for the successful bidders, which are to be paid by such bidders, will be filed by amendment.

Notice is further given that any interested person may, not later than June 2, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-7291 Filed 5-12-72;8:48 am]

TENNESSEE VALLEY AUTHORITY

DUCK RIVER PROJECT

Notice of Availability of Final Environmental Statement

Notice is hereby given that copies of a document entitled "Environmental Statement, Duck River Project" dated April 28, 1972, have been made available to the President, the Council on Environmental Quality, and to the public as required by section 102(2)(C) of the National Environmental Policy Act. Copies of the document are available for public examination in the office of the Director of Information, 508 Union Avenue, Knoxville, TN 37902, and at TVA's Washington office, 435 Woodward Building, 15th and H Streets, Washington, D.C. 20444.

Single copies of the final statement will be furnished upon request addressed to the Director of Information at the above address.

Dated at Knoxville, Tenn., this the 5th day of May 1972, for the Tennessee Valley Authority.

LYNN SEEBER,
General Manager.

[FR Doc.72-7292 Filed 5-12-72;8:48 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

MAY 10, 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 111 Sub 10, Vigeant Motor Freight, Inc., assigned June 19, 1972, MC 30844 Sub 376, Kroblin Refrigerated Xpress, Inc., assigned June 20, 1972, MC 35358 Sub 26, Berger Transfer & Storage, Inc., assigned June 21, 1972, MC 114274 Sub 17, Vitalis Truck Lines, Inc., and MC 119669 Sub 26, Tempco Transportation, Inc. assigned June 23, 1972, at Chicago, Ill., will be held in Room 1086A, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 124708 Sub 38, Meat Packers Express, Inc., assigned June 12, 1972, and MC 127042 Sub 89, Hagen, Inc., assigned June 13, 1972, at Omaha, Nebr., will be held in Room 812, Federal Office Building, 106 South 15th Street.

MC 135334, Lilliam Koppel, doing business as USA Driveaway, continued to May 31, 1972, at the offices of the Interstate Commerce Commission Washington, D.C.

MC 136386, Go Lines, Inc., now being assigned hearing July 24, 1972 (2 days), at San Francisco, Calif., in a hearing room to be later designated.

FD 26950, Baltimore & Ohio Railroad Co. Abandonment portion of its Midvale branch, between Monroe and Midvale, in Randolph and Barbour Counties, W. Va., now assigned June 12, 1972, at Elkins, W. Va., will be held in the U.S. Magistrates Hearing Room, U.S. Post Office and Federal Court Building, Davis Avenue, Elkins, W. Va.

FD 26223, New Hope & Ivyland Railroad Co. (plan of reorganization), FD 26943, Robert W. Guthrie, trustee of the property of New Hope & Ivyland Railroad Co., debtor, abandonment entire line between Ivyland and New Hope, Bucks County, Pa., and FD 27034, Robert L. Starer—acquisition and operation—New Hope & Ivyland Railroad Co., Bucks County, Pa., assigned June 5, 1972, at Philadelphia, Pa., will be held in Room 313, U.S. Customhouse, Second and Chestnut Streets.

MC 103435 Sub 207, United-Buckingham Freight Lines, Inc., now assigned May 22, 1972, at Washington, D.C., hearing is canceled and application dismissed.

MC 128273 Sub 107, Midwestern Express, Inc., now being assigned continued hearing June 19, 1972 (1 week), at Columbus, Ohio, in a hearing room to be later designated.

MC 124211 Sub 198, Hilt Truck Line, Inc., now assigned June 14, 1972, at Omaha, Nebr., hearing canceled and application dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-7360 Filed 5-12-72;8:52 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 10, 1972.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42420—*Class and commodity rates between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 661), for interested rail carriers. Rates on newsprint paper, in carloads, as described in the application, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Intrastate rates and maintenance of rates from and to points in other States not subject to the same competition.

Tariff—Supplement 139 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998. Rates are published to become effective on June 12, 1972.

FSA No. 42422—*Grain products between points in Indiana and Illinois and southern territory.* Filed by M. B. Hart, Jr., agent (No. A6306), for interested rail carriers. Rates on grain products, in carloads, as described in the application, between L&N Stations in Indiana and Ilinois, on the one hand, and A&WP-WOFA-GA Railroad Stations in southern territory, on the other.

Grounds for relief—Short-line distance formula and grouping.

Tariff—Supplement 17 to Southern Freight Association, agent, tariff ICC S–999. Rates are published to become effective on June 14, 1972.

FSA No. 42423—*General commodities between ports in Hong Kong, Japan, Korea, and Taiwan and rail stations and water carrier terminals on the U.S. Atlantic and gulf seaboard.* Filed by American President Lines, Ltd. (No. 1), for itself and interested rail carriers. Rates on general commodities, between ports in Hong Kong, Japan, Korea, and Taiwan, on the one hand, and rail stations and water carrier terminals on the U.S. Atlantic and gulf seaboard, on the other.

Grounds for relief—Water competition.

Tariffs—The rates as to which relief is requested are to be published, filed and become effective in the above referred to tariffs as soon as they are compiled and completed.

FSA No. 42424—*Iron and steel articles from Minnequa, Colo.* Filed by Western Trunk Line Committee, agent (No. A–2665), for interested rail carriers. Rates on iron and steel articles, in carloads, as described in the application, from Minnequa, Colo., to Memphis, Tenn.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 293 to Western Trunk Line Committee, agent, tariff ICC A–4329. Rates are published to become effective on June 12, 1972.

AGGREGATE OF INTERMEDIATES

FSA No. 42421—*Class and commodity rates between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 660), for interested rail carriers. Rates on newsprint paper, in carloads, as described in the application, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 139 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998. Rates are published to become effective on June 12, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72–7361 Filed 5–12–72;8:52 am]

[Rev. S.O. 994; ICC Order 47–A]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Rerouting or Diversion Traffic

Upon further consideration of ICC Order No. 47 (the Chicago, Rock Island and Pacific Railroad Co.) and good cause appearing therefor:

It is ordered, That:

(a) ICC Order No. 47 be, and it is hereby, vacated and set aside.

(b) *Effective date.* This order shall become effective at 11:59 p.m., May 11, 1972.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 11, 1972.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.72–7362 Filed 5–12–72;8:52 am]

[Ex Parte 265]

INCREASED FREIGHT RATES, 1970

Granting of Relief From Filing Requirement

It appearing, that pursuant to the provisions of the report and order of the Commission entered March 4, 1971 (339 ICC 125), the parties to these proceedings listed herein have severally petitioned the Commission for relief from the provisions of the order in Ex Parte No. 265, entered on March 4, 1971 (339 ICC 125 p. 307), requiring the filing with the Commission of quarterly reports on or before July 1, October 1, January 1, and April 1 of each year, describing their actions to correct service deficiencies set forth in the aforesaid report of the Commission;

It further appearing, that the record in these proceedings and the quarterly reports submitted by these petitioners in response to the order of the Commission disclose that the operations of the carriers listed herein do not have a significant effect on the overall standards of service given to shippers by the railroads as a whole:

The Corinth and Counce Railroad Co.
Dardanelle & Russellville Railroad Co.
Delray Connecting Railroad Co.
Kentucky and Tennessee Railway.
Twin Branch Railroad Co.
Warrenton Railroad Co.

It is ordered, That the parties named herein be, and they are hereby, relieved of filing with the Commission quarterly reports of their actions to correct service deficiencies.

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

By the Commission, Commissioner Walrath.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72–7363 Filed 5–12–72;8:52 am]

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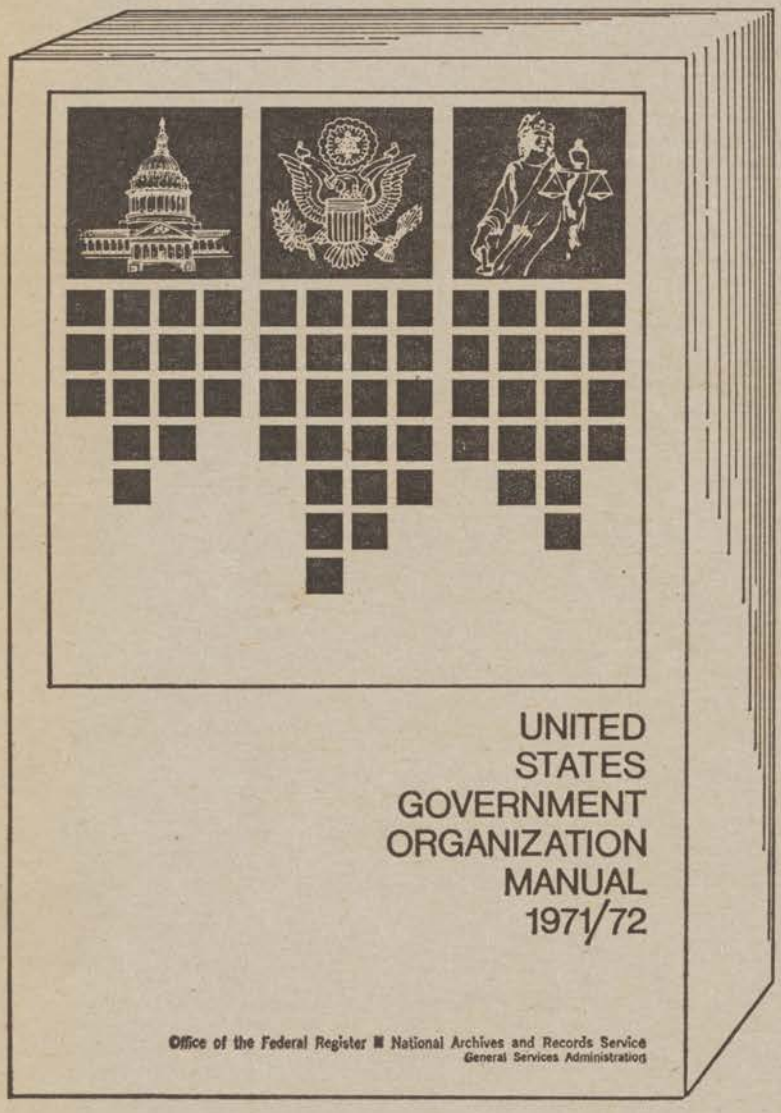

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