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PART I

(Part II begins on page 10041)

HIGHLIGHTS OF THIS ISSUE

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

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List of CFR Parts Affected

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

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

Rules and Regulations

Title 6—ECONOMIC STABILIZATION

Chapter III—Price Commission

PART 300—PRICE STABILIZATION

Low Profit Firms; Cooperatives

The purpose of this amendment to § 300.31(g) of the regulations of the Price Commission is to make it clear that the provisions of that section authorizing price increases by loss or low profit firms do not apply to cooperatives. It is the Commission's intention to have § 300.31 apply only to manufacturers, wholesalers, and retailers established for the purpose of making a profit for the firm. Cooperatives do not, as a rule, exist for the purpose of making a profit as such, but to return proceeds to its members, less expenses.

Because the purpose of this amendment is to provide immediate guidance and information as to the price stabilization rules in effect and to clarify the intention of the loss-low profit firm rule, it is hereby found that notice and public procedure thereon is impracticable and that good cause exists for making it effective less than 30 days after publication.

(Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Economic Stabilization Act Amendments of 1971, Public Law 92-210; Executive Order No. 11640, 37 F.R. 1213, Jan. 27, 1972; Cost of Living Council Order No. 4, 36 F.R. 20202, Oct. 16, 1971)

In consideration of the foregoing, effective May 18, 1972, paragraph (g) of § 300.31 of Title 6 of the Code of Federal Regulations is amended to read as follows:

§ 300.31 Low profit firms.

* * * * *

(g) *Persons to which section does not apply.* This section does not apply to any service organization covered by § 300.14; any public utility covered by § 300.16 or § 300.16a; any provider of health services covered by § 300.18 or § 300.19; any insurer covered by § 300.20; any public benefit corporations covered by § 300.51 (k); or any cooperative organized under the laws of the United States or any State or the District of Columbia.

Issued in Washington, D.C., on May 16, 1972.

C. JACKSON GRAYSON, Jr.,
Chairman, Price Commission.

[FR Doc.72-7662 Filed 5-17-72;10:56 am]

Title 7—AGRICULTURE

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

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Subpart F—U.S. Standards for Dry Peas

GRADES AND GRADE REQUIREMENTS FOR DOCKAGE-FREE DRY PEAS

The U.S. standards for dry peas (7 CFR 68.401 et seq.) were revised (36 F.R. 22139, November 20, 1971), effective December 1, 1971, after public rulemaking proceedings in accordance with the administrative procedure provisions in 5 U.S.C. 553.

An error was found in footnote 1 to the table in § 68.407. Footnote 1 reads in part, "* * * through an oblong-hole sieve with perforations of the dimensions used * * *." The part should read "* * * through an oblong-hole or slotted-hole sieve with perforations of the dimensions used * * *."

Therefore, pursuant to sections 203 and 205 of the Agricultural Marketing Act of 1946, 60 Stat. 1087 and 1090, as amended (7 U.S.C. 1622 and 1624) footnote 1 in § 68.407 of the U.S. standards for dry peas is amended to substitute the last quoted phrase for the first quoted phrase. This amendment is made solely to correct the sieve description since both oblong-hole sieves and slotted-hole sieves are used in the inspection of dry peas.

It does not appear that public participation in rulemaking would make additional relevant information available to the Department on this matter. Also, this amendment should become effective as soon as possible so as to conform to present procedures. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further notice and public participation in rulemaking procedures with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective upon publication in the FEDERAL REGISTER (5-18-72).

Done at Washington, D.C., on May 12, 1972.

G. R. GRANGE,
Acting Administrator.

[FR Doc.72-7564 Filed 5-17-72;8:51 am]

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

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 14]

PART 751—LAND USE ADJUSTMENT PROGRAM

Cropland Adjustment Program

The regulations governing the Cropland Adjustment Program, 31 F.R. 3483, as amended, are amended to provide that (1) emergency grazing and harvesting may be authorized by the State committee, and (2) refunds of cost-share payments shall not be required in cases of termination of agreements pursuant to §§ 751.129 (b) and (c) and 751.132(b) of the regulations if the county committee determines that the conservation practice for which cost-sharing was authorized and has been maintained for its normal lifespan or that, in all likelihood, the practice will be maintained for its normal lifespan.

The amendment is as follows:

1. Section 751.118 is amended by changing the first sentence of paragraph (d) to read as follows:

§ 751.118 Designation and use of acreage diverted.

* * * * *

(d) During the period of the agreement, no crop shall be harvested from the designated acreage and such acreage shall not be grazed unless the State committee, after certification by the Governor of the State in which such acreage is situated of the need for grazing or harvesting of such acreage, determines that it is necessary to permit grazing or harvesting in order to alleviate damage, hardship, or suffering caused by severe draught, flood, or other natural disaster, and consents to such grazing or harvesting subject to appropriate reduction in the rate of adjustment payment. * * *

* * * * *

2. Section 751.129 is amended by adding new sentences at the end of paragraphs (b) and (c) as follows:

§ 751.129 Modification of an agreement.

* * * * *

(b) * * * Notwithstanding any other provision of this paragraph, if a modified agreement is not entered into, cost-share payments shall not be required to be refunded upon a determination by the county committee that the conservation practice for which cost-sharing was authorized has been maintained for its normal lifespan or that in all likelihood the practice will be maintained for its normal lifespan.

(c) * * * Notwithstanding any other provision of this paragraph, if a modified agreement is not entered into, cost-share payments shall not be required to be refunded upon a determination by the county committee that the conservation practice for which cost-sharing was authorized has been maintained for its normal lifespan or that in all likelihood the practice will be maintained for its normal lifespan.

* * * * *

3. Section 751.132 is amended by revising paragraph (b) to read as follows:

§ 751.132 Termination of agreements.

* * * * *

(b) The agreement may be terminated by the county committee upon request by all parties to the agreement upon forfeiture of all adjustment and cost-share payments under the agreement and refund of any such payments previously made with interest at the rate of 6 per centum per annum from the dates of the payments to the date repayment is made: *Provided*, That cost-share payments shall not be required to be refunded upon a determination by the county committee that the conservation practice for which cost-sharing was authorized has been maintained for its normal lifespan or that in all likelihood the practice will be maintained for its normal lifespan.

* * * * *

(Sec. 602(q), 79 Stat. 1210; 7 U.S.C. 1838(q))

Effective date. Since producers should receive the immediate benefit of this amendment, it is hereby found and determined that compliance with the notice and public procedure provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, this amendment shall become effective upon publication in the FEDERAL REGISTER (5-18-72).

Signed at Washington, D.C., on May 12, 1972.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72-7548 Filed 5-17-72;8:50 am]

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

[Navel Orange Reg. 269]

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

Limitation of Handling

§ 907.569 Navel Orange Regulation 269.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 16, 1972.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period May 19, 1972, through May 25, 1972, are hereby fixed as follows:

(i) District 1: 800,000 cartons;
(ii) District 2: Unlimited;
(iii) District 3: Unlimited.

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

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

Dated: May 17, 1972.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72-7669 Filed 5-17-72;11:29 am]

[Valencia Orange Reg. 392]

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

Limitation of Handling

§ 908.692 Valencia Orange Regulation 392.

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

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

oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 16, 1972.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period May 19, 1972, through May 25, 1972, are hereby fixed as follows:

(i) District 1: 48,095 cartons;

(ii) District 2: 167,783 cartons;

(iii) District 3: 200,000 cartons.

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

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

Dated: May 17, 1972.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72–7670 Filed 5–17–72;11.29 am]

[Grapefruit Reg. 12, Amdt. 2]

PART 944—FRUITS; IMPORT REGULATIONS

Importation of Grapefruit

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the provisions of paragraph (a) preceding subparagraph (1) thereof and paragraph (a)(2) of Grapefruit Regulation 12 (§ 944.108, 36 F.R. 20883; 37 F.R. 7687) are hereby amended to read as follows:

§ 944.108 Grapefruit Regulation 12.

(a) On and after May 19, 1972, the importation into the United States of any grapefruit is prohibited unless such grapefruit is inspected and meets the following requirements:

* * * * *

(2) Seedless grapefruit shall grade at least U.S. No. 2 Russet; and

* * * * *

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) such regulation imposes the same restrictions on imports of all grapefruit as the grade and size restrictions being made applicable to the shipment of all grapefruit grown in Florida under amended Grapefruit Regulation 71 (§ 905.535); (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this amendment relieves restrictions on the importation of grapefruit.

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

Dated May 12, 1972, to become effective May 19, 1972.

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

[FR Doc.72–7547 Filed 5–17–72;8:49 am]

[Amdt. 1]

PART 959—ONIONS GROWN IN SOUTH TEXAS

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 143 and Order No. 959, both as amended (7 CFR Part 959), regulating the handling of onions grown in designated counties in south Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of the recommendations and information submitted by the South Texas Onion Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments regulation, hereinafter set forth, will tend to effectuate the declared policy of the act. Shipments of onions from the production area are currently limited due to conditions brought about by unfavorable weather. Remaining onions should be shipped as quickly as possible to minimize losses to producers. This amendment should encourage increased total shipments by allowing production area onions to be packaged and loaded at a time when such activities would have otherwise been prohibited.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) this amendment must become effective immediately if producers are to derive any benefits therefrom, (2) compliance with this amendment will not require any special preparation on the part of handlers, (3) information regarding the proposed regulation has been made available to producers and handlers in the production area, and (4) this amendment relieves restrictions on the handling of onions grown in the production area.

Regulation, as amended. In § 959.312 (37 F.R. 1223), the introductory paragraph is hereby amended to read as follows:

§ 959.312 Limitation of shipments.

During the period beginning March 1, 1972, through May 15, 1972, no handler may package or load onions on Sundays, or handle any lot of onions grown in the production area, except red onions, unless such onions meet the grade requirements of paragraph (a) of this section, one of the applicable size requirements of paragraph (b) of this section, the container requirements of paragraph (c) of this section, and the inspection requirements of paragraph (f) of this section, or unless such onions are handled in accordance with the provisions of paragraphs (d) or (e) of this section: *Provided,* That the prohibition against packaging or loading of onions on Sundays shall not be applicable on Sunday, May 14, 1972.

* * * * *

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

Effective date: Issued May 12, 1972, to become effective upon issuance.

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

[FR Doc.72–7546 Filed 5–17–72;8:49 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

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

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

PART 82—EXOTIC NEWCASTLE DISEASE; AND PSITTACOSIS OR ORNITHOSIS IN POULTRY

Areas Quarantined

Pursuant to the provisions of sections 1, 2, 3, and 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, sections 4, 5, 6, and 7 of the Act of May 29, 1884, as amended, and sections 3 and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 112, 113, 115, 117, 120, 123, 124, 125, 126, 134b, 134f), Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

In § 82.3, in paragraph (a)(1) relating to the State of California, new subdivisions (ii) relating to Tulare County and (iii) relating to Fresno County are added to read:

§ 82.3 **Areas quarantined.**

(a) * * *

(1) *California.* * * *

(ii) The southwest quarter of sec. 1, T. 16 S., R. 23 E. (Mount Diablo Meridian) in Tulare County.

(iii) The northwest quarter of sec. 9, T. 15 S., R. 24 E. (Mount Diablo Meridian) in Fresno County.

* * * * *

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

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

The amendment quarantines portions of Tulare and Fresno Counties in California because of the existence of exotic Newcastle disease, a communicable disposes certain restrictions necessary to prevent the interstate spread of exotic Newcastle disease, a communicable disease of poultry, and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 12th day of May 1972.

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

[FR Doc.72-7565 Filed 5-17-72;8:51 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 72-CE-12-AD, Amdt. 39-1440]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Model 99 Series (Serial Nos. U-1 and Up) Airplanes; Corection

In F.R. Doc. 72-6486 appearing on Page 8524 in the issue of Friday, April 28, 1972, the subject Airworthiness Directive should be corrected in the following respects:

(1) Correct the applicability statement so that it now reads as follows: "BEECH. Applies to Model 99 Series (Serial Nos. U-1 through U-145) Airplanes.".

(2) In Paragraph A, change "Beech P/N 52-524590-3 control wheel adapters" to "Beech P/N 50-524590-3 control wheel adapters."

Issued in Kansas City, Mo., on May 8, 1972.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.72-7532 Filed 5-17-72;8:47 am]

[Docket No. 72-CE-14-AD, Amdt. 39-1449]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Bonanza and Baron Airplanes

Outstanding Airworthiness Directives prohibit certain maneuvers to prevent engine power loss in Beech Models 95-55, 55, 58, 35, 35-33, 33 and 36 airplanes manufactured between 1959 and 1970 unless these airplanes are equipped with baffled fuel cell assemblies as provided in Beech Service Instructions 0459-281 or later revision, or Beech Service Instructions 0365-281, Rev. 1 or later revision. The airplanes manufactured commencing with the 1970 model year are equipped with baffled fuel cells. The manufacturer has now determined that the baffles in some fuel cells which were installed in certain of the aforementioned airplanes may have contained holes in the corners or could have had leaking baffle check valves. Unless corrected, these discrepancies could cause fuel interruption if the pilot performs unusual maneuvers such as fast turning type takeoffs, takeoffs immediately following fast taxi turns or prolonged slips when main tanks are less than one-half full. Since this condition may exist in other airplanes of the same or similar type design, an AD is being issued requiring inspection and correction of baffle leaks and bent valve arms on those Beech Bonanza and Baron airplanes that have baffles installed.

In addition, as the result of information obtained following recent accidents, it has been determined that engine power loss may occur in these airplanes as well as those manufactured in 1958 and before because there is insufficient fuel in the tanks at the time of takeoff. The agency, in the course of type certification, requires demonstration of a minimum amount of fuel for takeoff purposes which was, in fact, demonstrated by the manufacturer during certification tests. The amount of fuel was determined by application of a formula which assured that no power loss would occur with that quantity of fuel aboard. It may be that further tests would demonstrate equivalent assurance could be obtained with less fuel. However, in order to prevent loss of power occurring during takeoff due to low fuel quantities, the AD will impose an operating limitation establishing the minimum amount of required fuel for takeoff consistent with the values demonstrated by Beech during type certification. It will also require that either the fuel quantity gages be remarked or that a placard be installed which will inform the pilot of this limitation. Finally, the AD establishes on all airplanes covered herein, unusable fuel at 3 gallons per main tank.

Since a situation exists which requires expeditious adoption of the amendment, notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than thirty (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 by adding the following new AD.

BEECH. Applies to the following airplanes:

	Serial No.
1970 and after Bonanza models:	
F33 and G33	CD-1235—CD-1276.
F33A	CE-290—CE-366.
V35B and V35B-TC	D-906—D-9319.
A36	E-185—E-310.
1970 and after Baron models:	
95-B55 and 95-B55A.	TC-1383 — TC-1425 w/25-gal. cells. TC-1299 — TC-1425 w/40-gal. cells.
95-B55B	TF-66—TF-70.
E55 and E55A	TE-768—TE-851.
58 and 58A	TH-1—TH-200.
1959 to 1969 Bonanza and Debonair models:	
35-33, 35-A33, 35-B33, 35-C33, and E33.	CD-1—CD-1234.
35-C33A and E33A	CE-1—CE-289.
E33C and F33C	CJ-1—CJ-30.
K35, M35, N35, P35, S35, V35, V35-TC, V35A, and V35A-TC.	D-5726—D-9068.
36	E-1—E-184.
1958 and before Bonanza models:	
35, 35R, A35, B35, C35, D35, E35, F35, G35, H35, J35.	D-1—D-5725, D-15001, and D-15002.
1969 and before Baron and Travel Air models:	
95-55, 95-A55, 95-B55, and 95-B55A.	TC-1—TC-1382 w/ 25-gal. cells. TC-1—TC-1298 w/ 40-gal. cells.
95-B55B	TF-1—TF-65.
95-C55, 95-C55A, D55, and D55A.	TE-1—TE-767.
95, B95, B95A, D95A, and E95.	TD-1—TD-721.

Compliance: Within 50 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent engine fuel interruption during critical aircraft maneuvers:

(A) For those Beech Bonanza and Baron 1970 models and after airplanes listed herein, accomplish the following in accordance with Beech Service Instructions 0491-281 or later revision, or with Beech Service Instructions 0484-281 or later revision, as applicable:

(1) Inspect all Goodyear baffled main fuel cells equipped with metal check valves to determine that the flapper element moves through its full travel without binding and seats properly. Adjust or replace the flapper element of the valve as required.

(2) Inspect Uniroyal baffled main fuel cells for leaks in the area of the relief cutouts in the fuel cell baffiles and repair if required.

(3) (a) Install a yellow band on the outside of the glass on each main fuel quantity gage. The yellow band should extend from the empty to the one-half full gage markings on airplanes with 25-gallon main fuel

cells and to the three-eighths gage marking on single engine airplanes with 40-gallon main fuel cells. On single engine models equipped with vertical type engine gage, install a yellow band on the fuel gage from 0-80 pounds and install a new full mark at the top of the gage. Add yellow band from empty to one-fourth gage marking on Baron model airplanes with 39- or 40-gallon fuel cells, except that on Baron Models 58 and 58A airplanes add yellow band from empty to one-eighth gage markings.

(b) Install a placard on the fuel selector cover or floating instrument panel in full view of the pilot with the following wording: "Do not take off if fuel gages indicate in the yellow band or with less than 13 gallons in each main tank," and operate the airplane in accordance with this limitation.

(c) Change the left hand and right hand tank capacities on the fuel selector panel as follows:

(1) To 22 gallons on airplanes equipped with 25-gallon main fuel cells,

(2) To 37 gallons on airplanes equipped with 39- or 40-gallon main fuel cells,

(3) To 70 gallons on Models 58 and 58A airplanes equipped with standard fuel system, and

(4) To 83 gallons on Models 58 and 58A airplanes equipped with 84-gallon optional fuel system.

Also, change the main fuel cell filler capacity marking on each wing to indicate the above capacities.

(d) Adjust the existing weight and balance information for each airplane to compensate for the increase in the amount of unusable fuel.

(e) As applicable, attach the appropriate Airplane Flight Manual Supplement to the AFM or install the revised Pilot's Check Lists in those airplanes equipped with check lists, or make placard changes in those airplanes equipped with placards in accordance with the Service Instructions.

(B) For those Bonanza, Debonair, Baron, and Travel Air 1969 models and before airplanes listed herein, except for those Bonanza model airplanes listed in paragraph C, accomplish the following in accordance with Beech Service Instructions 0493-281 or later revision or with Beech Service Instructions 0492-281 or later revision, as applicable:

(1) Comply with paragraphs A (1) and (2) if these airplanes have been modified in accordance with Beech Service Instructions 0459-281 or Beech Service Instructions 0365-281, Rev. 1, or later revision, which cover installation of baffled main fuel cells.

(2) Comply with paragraph A(3).

(C) For those Bonanza 1958 models and before airplanes listed herein, in accordance with Beech Service Instruction 0495-281 or later revision:

(1) Install a new decal on the outside of the glass or on the face of the main fuel gage. The decal must be positioned so that the yellow band denoting minimum fuel for takeoff (7 gallons) extends up to the center of the one-half mark. The red band denoting unusable fuel (3 gallons) must cover the old empty mark. A new empty mark must be located between the yellow and red bands. Operate the airplane in accordance with these limitations.

(2) Change the left hand and right hand tank capacities on the fuel selector panel to 17 gallons. Also change the main fuel cell filler capacity marking on each wing to indicate the above capacities.

(3) Comply with paragraphs A(3)(d) and A(3)(e).

(D) Any alternate method of compliance with this AD must be referred to and approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective May 20, 1972.

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

Issued in Kansas City, Mo. on May 8, 1972.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.72-7535 Filed 5-17-72;8:47 am]

[Airspace Docket No. 72-SO-23]

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

Alteration of Control Zone

On March 25, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 6210), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Fort Lauderdale, Fla. (Executive Airport), control zone.

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

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

In § 71.171 (37 F.R. 2056), the Fort Lauderdale, Fla. (Executive Airport), control zone is amended as follows: "* * * long. 80°10'15" W.); * * *" is deleted and "* * * long. 80°10'15" W.); within 2 miles each side of the 083° bearing from Tropic RBN (lat. 26°11'08" N., long. 80°17'49" W.), extending from the 5-mile radius zone to 1.5 miles east of the RBN * * *" is substituted therefor.

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

Issued in East Point, Ga. on May 4, 1972.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc. 72-7541 Filed 5-17-72;8:48 am]

[Airspace Docket No. 71-WA-26]

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

Alteration of Control Zone and Transition Area

On January 25, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 1119) stating that the Federal Aviation Administration (FAA) was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the Cordova, Alaska, control zone and transition area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

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.

1. In § 71.171 (37 F.R. 2056) the Cordova, Alaska, control zone is amended as follows: Delete "within 2 miles each side of the 143° bearing from the Cordova (CDV) NDB extending from the 5-mile-radius zone to the intersection of the 143° bearing from Cordova (CDV) NDB and the Hinchinbrook RR E course;"

2. In § 71.181 (37 F.R. 2143) the Cordova, Alaska, transition area is amended to read as follows:

CORDOVA, ALASKA

That airspace extending from 700 feet above the surface within 6 miles northwest and 9.5 miles southeast of the 233° bearing from the Cordova (CDV) NDB extending from the intersection of the 233° bearing from the Cordova (CDV) NDB and the east course of the Hinchinbrook, Alaska, RR to 19 miles southwest; that airspace extending upward from 1,200 feet above the surface within 6 miles each side of the Cordova localizer east course extending from the localizer to 40 miles east; and within 5 miles each side of a line extending from the Johnstone Point, Alaska, VOR to the Cordova (CDV) NDB.

(Sec. 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 11, 1972.

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

[FR Doc.72-7544 Filed 5-17-72;8:48 am]

[Airspace Docket No. 72-GL-27]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the transition area at Connersville, Ind.

Since the designation of the transition area at Connersville, Ind., the criteria for airspace required to protect the instrument approach procedures have changed. As there are no other changes involved, it imposes no additional burden on any person, therefore notice and public procedure hereon are unnecessary.

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

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

CONNERSVILLE, IND.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Mettel Airport (latitude 39°42'00" N.; longitude 85°08'00" W.), and within 3 miles each side of the 015° bearing from the Mettel Airport extending from the 6½-mile radius to 8 miles north of the airport; excluding that airspace designated at Richmond, Ind.

(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 May 2, 1972.

LYLE K. BROWN,
Director, Great Lakes Region.

[FR Doc.72-7545 Filed 5-17-72;8:48 am]

[Airspace Docket No. 72-GL-4]

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

Alteration of Transition Area

On page 3548 of the FEDERAL REGISTER dated February 17, 1972, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Lawrenceville Ill.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment. No objections have been received and the amendment as so proposed is hereby adopted, except the transition area description heading should be "Vincennes, Ind." instead of Lawrenceville, Ill.

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 May 2, 1972.

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

VINCENNES, IND.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Lawrenceville/Vincennes Municipal Airport (latitude 38°45'35" N., longitude 87°36'27" W.) within 3 miles each side of the 189° bearing from the Lawrenceville/Vincennes Airport, extending from the 7-mile radius to 8 miles south; and 3 miles each side of the 355° bearing from the Lawrenceville/Vincennes Airport, extending from the 7-mile radius to 8 miles north; and within a 5.5-mile radius of O'Neal Airport (latitude 38°41'28" N., longitude 87°33'12" W.) and within 3 miles each side of the 258° bearing from O'Neal Airport, extending from the 7-mile and 5½-mile radii to 8 miles west of the airport.

[FR Doc.72-7542 Filed 5-17-72;8:48 am]

[Airspace Docket No. 72-GL-2]

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

Alteration of Transition Area

On page 3548 of the FEDERAL REGISTER dated February 17, 1972, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Milwaukee, Wis.

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

No objections have been received and the proposed amendment is hereby adpoted without change as it 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 May 2, 1972.

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

In § 71.181 (37 F.R. 2056) the transition area at Milwaukee, Wis., is amended as follows: Delete, "within a 5½-mile radius of Horlick-Racine Airport (latitude 42°45'45" N., longitude 87°49'00" W.); within 3 miles each side of the 027° bearing from Horlick-Racine Airport extending from the 5½-mile radius to 8 miles northeast of the airport" and insert in place "within a 7-mile radius of the Horlick-Racine Airport (latitude 42°45'45" N., longitude 87°49'00" W.); within 3 miles each side of the 031° bearing from the airport extending from the 7-mile radius to 8 miles northeast of the airport".

[FR Doc.72-7543 Filed 5-17-72;8:48 am]

[Airspace Docket No. 72-GL-9]

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

Designation of Transition Area

On pages 4357 and 4358 of the FEDERAL REGISTER dated March 2, 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 Crawfordsville, Ind.

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

This amendment shall be effective 0901 G.m.t., 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 May 2, 1972.

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

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

CRAWFORDSVILLE, IND.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Crawfordsville Municipal Airport (latitude 39°58'45" N., longitude 86°55'00" W.) and within 3 miles each side of the 217° bearing from the Crawfordsville Municipal Airport extending from the 5-mile radius to 8 miles southwest.

[FR Doc.72-7539 Filed 5-17-72;8:48 am]

[Airspace Docket No. 72-GL-3]

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 French Lick, Ind.

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

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

This amendment shall be effective 0901 G.m.t., 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:

FRENCH LICK, IND.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the French Lick Municipal Airport (latitude 38°30'26" N., longitude 86°37'59" W.) and within 3 miles each side of the 076° bearing from the French Lick Municipal Airport extending from the 6½-mile radius to 8 miles northeast.

[FR Doc.72-7537 Filed 5-17-72;8:48 am]

[Airspace Docket No. 72-CE-4]

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

Designation of Transition Area

On pages 4095 and 4096 of the FEDERAL REGISTER dated February 26, 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 Lebanon, Mo.

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

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

This amendment shall be effective 0901 G.m.t., 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 May 1, 1972.

JOHN M. CYROCKI,
Director, Central Region.

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

LEBANON, MO.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lebanon, Mo., Airport located at latitude 37°38'56" N., longitude 92°39'06" W., and within 3 miles either side of the 182° bearing from the Lebanon Airport extending from 5 miles to 8.5 miles, and that airspace extending upward from 1,200 feet above the surface within 9.5 miles west and 4.5 miles east of the 182° bearing from the Lebanon Airport extending from the airport to 18.5 miles south.

[FR Doc.72-7536 Filed 5-17-72;8:48 am]

[Airspace Docket No. 71-SO-175]

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

Designation of Transition Area

On March 17, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 5641) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a transition area at Venice, Fla.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Due consideration was given to the two comments received.

The Air Transport Association (ATA) interposed no objection provided the approach procedure to Venice is so designated as not to interfere with instrument operation into Sarasota-Bradenton Airport. The Air Line Pilots Association (ALPA) objected to the designation of the transition area until radar coverage is extended far enough south of Sarasota and Venice traffic. In regard to the ATA comment, the Venice Airport is 20 miles from the Sarasota-Bradenton Airport. Only simultaneous use of the VOR/DME RWY 13 approach to Venice and the VOR RWY 31 approach to Sarasota-Bradenton would conflict. Procedures can be applied which will minimize any delay to aircraft using these procedures without compromising safety. Approaches to other runways do not conflict. In regard to the ALPA comment, radar coverage is not a requisite for the designation of a transition area.

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.

Section 71.181 (37 F.R. 2143) is amended by adding the following transition area:

VENICE, FLA.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Venice Municipal Airport (lat. 27°-04'30" N., long. 82°26'00" W.).

(Secs. 307(a), 1110 Federal Aviation Act of 1958, 49 U.S.C. 1348(a) and 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 11, 1972.

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

[FR Doc.72-7538 Filed 5-17-72;8:48 am]

[Airspace Docket No. 72-EA-31]

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

Designation of Transition Area

On page 7209 of the FEDERAL REGISTER for April 12, 1972 the Federal Aviation Administration published a proposed rule which would designate a Wise, Va., Transition Area.

Interested parties were given 15 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t., July 20, 1972.

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

Issued in Jamaica, N.Y., on May 3, 1972.

ROBERT H. STANTON,
Acting Director, Eastern Region.

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

WISE, VA.

That airspace extending upward from 700 feet above the surface within an 11-mile radius of the center 36°59'15" N., 82°31'50" W. of Lonesome Pine Airport, Wise, Va., and within 3 miles each side of the 055° bearing from the Wise RBN 37°01'18" N., 82°28'04" W. extending from the 11-mile radius area to 8.5 miles northeast of the RBN.

[FR Doc.72-7540 Filed 5-17-72;8:48 am]

[Docket No. 11937, Amdt. 810]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

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

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

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

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

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

1. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAP's, effective June 15, 1972:

Kotzebue, Alaska—Ralph Wien Memorial Airport; VOR-2 Runway 8, Original; Canceled.
Kotzebue, Alaska—Ralph Wien Memorial Airport; VOR Runway 8, Amdt. 4; Revised.
Kotzebue, Alaska—Ralph Wien Memorial Airport; VORTAC Runway 8, Original; Established.
Kotzebue, Alaska—Ralph Wien Memorial Airport; VOR Runway 26, Amdt. 2; Revised.
Waterloo, Iowa—Waterloo Municipal Airport; VOR Runway 12, Original; Established.
Waterloo, Iowa—Waterloo Municipal Airport; VOR Runway 18, Original; Established.
Waterloo, Iowa—Waterloo Municipal Airport; VOR Runway 24, Amdt. 9; Revised.
Waterloo, Iowa—Waterloo Municipal Airport; VORTAC Runway 30, Amdt. 7; Revised.
Waterloo, Iowa—Waterloo Municipal Airport; VOR Runway 36, Amdt. 10; Revised.

2. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAP's, effective June 15, 1972:

Kotzebue, Alaska—Ralph Wien Memorial Airport; NDB-A, Amdt. 9; Revised.
Somerset, Ky.—Somerset-Pulaski County Airport; NDB Runway 4, Amdt. 3; Revised.
Waterloo, Iowa—Waterloo Municipal Airport; NDB Runway 12, Amdt. 12; Revised.

3. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's, effective June 15, 1972:

Waterloo, Iowa—Waterloo Municipal Airport; ILS Runway 12, Amdt. 13; Revised.

4. Section 97.33 is amended by establishing, revising, or canceling the following RNAV SIAP's, effective June 15, 1972:

Philadelphia, Pa. (Ambler)—Wings Fields; RNAV Runway 6, Amdt. 1; Revised.

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

Issued in Washington, D.C., on May 10, 1972.

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

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

[FR Doc.72-7533 Filed 5-17-72;8:47 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Releases 33-5250, 34-9598, IC-7170, IA-318]

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 271—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT COMPANY ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 276—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT ADVISERS ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

Applicability of Commission's Policy Statement on the Future Structure of Securities Markets to Selection of Brokers and Payment of Commissions by Institutional Managers

The Securities and Exchange Commission has noted that there are different views of the proper interpretation of that portion of the Commission's Policy Statement on the Future Structure of the Securities Markets, issued February 2, 1972 (the Policy Statement) (published in the FEDERAL REGISTER for March 14, 1972, at 37 F.R. 5286), which reads as follows (on pages 36–37 of the release, 37 F.R. 5290, third paragraph under caption "Research and Suitability"):

* * * brokers who do in-depth research might prefer to charge higher commissions than other brokers whose research activity is narrower in scope or of lesser quality or value. Concern has been voiced that under such circumstances institutional managers charged with a fiduciary duty would be reluctant to pay a higher commission rate which reflected research. The Commission believes that they should not be. In our opinion, the providing of investment research is a fundamental element of the brokerage function for which the bona fide expenditure of the beneficiary's funds is completely appropriate, whether in the form of higher commissions or outright cash payments. It should be disclosed to investors that their money manager is willing to exercise discretion in seeking the best information and research available and does not consider that there is an obligation to get the cheapest execution regardless of qualitative consideration. It should of course be expected that managers paying brokers for research with their beneficiaries' commissions or other funds would stand ready to demonstrate that such expenditures were bona fide.

In filings by registered investment companies and elsewhere the question has been raised as to whether this policy sanctions disregard of an investment adviser's obligation to seek the "best price and execution" of the portfolio transactions of an account it manages or indicates that the brokerage commissions paid on such transactions need not be taken into consideration in fulfilling this obligation. The Commission does not sanction a disregard of either the obligation to seek best price and execution or of commission costs. It does sanction consideration of the quality and reliability of brokerage services, including the availability and value of research, in seeking and determining best price and execution.

As a fiduciary required to serve its beneficiary with undivided loyalty, the adviser must—

* * * execute securities transactions for clients in such a manner that the client's total cost or proceeds in each transaction is the most favorable under the circumstances.[1]

However, as indicated in the policy statement, the Commission believes that an investment manager should have discretion, in assigning an execution or negotiating the commission to be paid therefor, to consider the full range and quality of a broker's services which benefit the account under management and need not solicit competitive bids on each transaction. Requiring a manager to seek the lowest possible commission cost could interfere with the purpose and obligation of managers to seek best performance by excluding the accounts they manage from information, analysis, and service which may be of value to them. An adviser should have the flexibility to select a particular broker if the broker selected provides bona fide investment research or other services which he believes are valuable to the beneficiary's interest and if he believes the broker can properly execute the transaction. Similarly, the adviser should have discretion to pay a commission rate that will assure reliability and quality of service provided that it is reasonable. The selection of a broker and the determination of the rate to be paid should, of course, never be influenced by the adviser's self-interest in any manner.

Where there is no self-dealing, and an adviser is not affiliated with the brokerage firm executing the transaction, it is reasonable to presume that the commission rate paid to such a nonaffiliated broker reflects the full range and quality of the broker's service and is in the beneficiary's best interest; however, as indicated in the policy statement, where commission rates reflect services furnished to the managed account in addition to the cost of execution, managers must "stand ready to demonstrate that such expenditures were bona fide." The determinative factor is whether the transaction represents the best qualitative execution for the beneficiary.

The question has been raised whether this policy represents a departure from the position the Commission took in the matter of "Delaware Management Company, Inc."[2] There it was held that regardless of the value of any research or other services previously provided, an adviser is never justified in consummating a securities transaction at an inferior price. The Commission does not wish to revise the policy expressed in that decision; it merely intends to extend that policy and adapt it to an era of competitive rates. While the duty to obtain the best security price remains, in selecting a broker to secure such price an adviser is not required to seek the service which carries the lowest cost so long as the difference in cost is reasonably justified by the quality of the service offered.

Where the adviser is affiliated with or has a relationship with the brokerage firm executing the transaction, particular care must be exercised so that the adviser's fiduciary obligation to act solely in the interest of his beneficiary is satisfied. In such a case of self-dealing, the burden of justifying paying a commis-

[1] Kidder, Peabody & Co., Incorporated, Inv. Adv. Act. Rel. No. 232 (October 16, 1968). See also Provident Mgmt. Corp., Sec. Ex. Act Rel. 8790 (January 5, 1970); Consumer-Investor Planning Corp., Sec. Ex. Act Rel. No. 8542 (February 20, 1969) Insurance Securities Inc., Sec. Ex. Act. Rel. 8226 (January 11, 1968); and Delaware Mgmt. Co., Sec. Ex Act Rel. 8128 (July 19, 1967).

[2] In Delaware Management the fund's investment adviser sold 202,000 shares of stock of a company traded on a national securities exchange at $13.50 per share through a particular broker although it had a firm offer of $14 per share from a broker other than the one selected. The executing broker was selected because it provided the adviser with research and statistical services and recommendations with respect to the purchase and sale of other portfolio securities and sold fund shares, while the other broker had not. Fixed commission rates were applicable to the transaction. The 50 cents per share amounted to an excess cost to the company of $101,000, a difference of 3.6 percent.

sion rate in excess of the lowest rate available is particularly heavy.[3]

Applying the proper standard would mean, with respect to any transaction to which competitively determined rates are applicable, that the execution should not be placed with the affiliated broker at a commission rate less favorable than the broker's contemporaneous charges for its other most favored, but unaffiliated, customers. In addition, in determining to place an order with such a broker, the adviser must make the good faith judgment that such broker is qualified to obtain the best price on the particular transaction and that the commission in respect of such transaction is at least as favorable to the company as that charged by other qualified brokers.

Although the adviser has no duty or obligation to seek competitive bidding for the most favorable negotiated commission rate applicable to such transaction, it should consider such "posted" commission rates, if any, as may be applicable to the transaction, as well as any other information available at the time as to the level of commissions known to be charged on comparable transactions by other qualified brokerage firms (and it should be able to demonstrate that it has considered such factors). Since an adviser already has the obligation to provide management, which would include elements of research and related skills, brokerage commissions paid to any such affiliated broker may not reflect anything other than payment for the execution services performed on the particular transaction.

In short, the Commission seeks clearly to establish that commission costs should be considered as payment for a professional service and should no longer be treated as a special kind of currency which can be used to pay for extraneous services. Instead, the Commission believes that investment managers must assign executions and pay for brokerage services in accordance with the reliability and quality of those services and their value and expected contribution to the performance of the account they are managing.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

MAY 9, 1972.

[FR Doc.72-7527 Filed 5-17-72;8:49 am]

[Release IC-7164]

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

Establishment and Maintenance of Petty Cash Accounts

On December 6, 1971, the Securities and Exchange Commission published a notice (Investment Company Act Release No. 6862 and in the FEDERAL REGISTER issue of January 29, 1972, 37 F.R. 1493, period of time for comments extended until February 29, 1972, Rel. No. IC-6961, 37 F.R. 1494) that it had under consideration the adoption of proposed Rule 17f-3 (17 CFR 270.17f-3) as set forth below, under the Investment Company Act of 1940 (Act), as amended by the Investment Company Amendments Act of 1940 (the "1970 Act") (15 U.S.C. 80a-1 et seq., Public Law 91-547, 84 Stat. 1413). Proposed Rule 17f-3 is designed to implement the provisions of section 17(f) of the Act, as amended by the 1970 Act, effective December 14, 1971, and would be adopted pursuant to the authority granted to the Commission in section 17(f) of the Act (15 U.S.C. 80a-17(f), sec. 9, Public Law 91-547, 84 Stat. 1420). The rule is designed to except petty cash accounts from bank custodianship in situations where a registered investment company employs a bank custodian.

Section 17(f) of the Act provides, in effect, that every registered management investment company shall place and maintain its securities and similar investments in the custody of (i) a bank or banks having the qualifications prescribed in section 26(a) of the Act, or (ii) a member firm of a national securities exchange, subject to such rules and regulations as the Commission may prescribe, or (iii) the investment company, subject to rules, regulations, and orders as the Commission may prescribe.

Where a registered investment company employs a bank custodian to hold its securities and similar investments, section 17(f), as amended by the 1970 Act, requires the cash proceeds from the sale of such securities and similar investments and other cash assets of the investment company to be similarly kept in the custody of such bank or banks, in accordance with such rules and regulations or orders as the Commission may prescribe for protection of investors.[1] The legislative history of the 1970 Act clearly indicates that Congress intended consideration be given to allowing specified amounts of petty cash to be held apart from bank custodianship pursuant to appropriate rules prescribed by the Commission.[2]

Rule 17f-3 excepts from bank custodianship certain small amounts of free cash which may be maintained by registered investment companies in a petty cash account. The rule would permit registered investment companies having bank custodians to maintain a petty cash account in an amount not to exceed $500, upon resolution of its board of directors. The rule would also require the account to be operated under the imprest system, that is, periodic reimbursements may be made to the account to replenish it, but the total amount in the account may never exceed its maximum authorized amount.

Under Rule 17f-3, the board of directors of the investment company has a responsibility to determine that the petty cash account is maintained subject to adequate internal controls. The investment company's independent public accountant is required to review this system of internal controls and report to the company's board of directors upon the inadequacies in practice and procedure of the system, and indicate any corrective action taken on proposed.[3]

Commission action:

Part 270 of Chapter II of Title 17 of the Code of Federal Regulations is amended by adding thereto a new § 270.17f-3 reading as follows:

§ 270.17f-3 Free cash accounts for investment companies with bank custodians.

No registered investment company having a bank custodian shall hold free cash except, upon resolution of its board or directors, a petty cash account may be maintained in an amount not to exceed $500: *Provided,* That such account is operated under the imprest system and is maintained subject to adequate controls approved by the board of directors over disbursements and reimbursements including, but not limited to fidelity bond coverage of persons having access to such funds.

(Sec. 17(f), 54 Stat. 815, 15 U.S.C. 80a17(f), sec. 9, Public Law 91-547, 84 Stat. 1420)

Section 270.17f-3 is hereby effective June 19, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

MAY 10, 1972.

[FR Doc.72-7529 Filed 5-17-72;8:49 am]

[3] Under section 36(b) of the Investment Company Act, of course, brokerage commissions are part of the compensation that may be considered in determining whether there has been a breach of fiduciary duty with respect to compensation paid by an investment company or its stockholders to its investment adviser.

[1] An exception from bank custodianship is provided in sec. 17(f) for checking accounts under certain circumstances. The Commission has published a release setting forth certain guidelines which should be considered and utilized by registered investment companies in connection with the establishment and maintenance of such checking accounts. (Investment Company Act Release No. 6863, Dec. 6, 1971, 37 F.R. 1474.)

[2] "The Commission would have authority to allow specified amounts of petty cash to be held apart from bank custody." H.R. Rep. No. 91-1382, 91st Cong., second sess., 27 (Aug. 7, 1970).

[3] See, Holmes, Auditing Principles and Procedure, Business Publications, Inc. (1966); Statements on Auditing Procedure, No. 33, Chapter 5, issued by Committee on Auditing Procedure of the American Institute of Certified Public Accountants (1963); Case Studies in Auditing Procedures, No. 6 "A Management Investment Company of the Open-End Type," issued by American Institute of Certified Public Accountants (1949); and, "Opinion of Independent Public Accountant," following Part II of Form N-1R, as revised July 15, 1970 (17 CFR 274.101, 36 F.R. 15430).

[Release IC-7152]

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

PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COMPANY ACT OF 1940

Form of Notice To Be Used To Inform Periodic Payment Plan Certificate Holders of Their Rights

On July 2, 1972, the Securities and Exchange Commission published notice (Investment Company Act Release No. 6600) (36 F.R. 13134) of the adoption, among other things, of Rules 27e-1 (17 CFR 270.27e-1) and 27f-1 (17 CFR 270.27f-1) under the Investment Company Act of 1940 (Act). In paragraph (f) of Rule 27e-1 and paragraph (d) of Rule 27f-1, as amended,[1] the Commission prescribed Form N-27E-1 (17 CFR 274.127e-1) and Form N-27F-1 (17 CFR 274.127f-1) as the form of notice to be used to inform certain certificate holders of their rights under section 27(d) (15 U.S.C. 80a-27(d)) and section 27(f) (15 U.S.C. 80a-27(f)) of the Act.

The Association of Mutual Fund Plan Sponsors (AMFPS) has requested that the Commission amend the first sentence of Forms N-27E-1 and N-27F-1 and the second sentence of the third paragraph of Form N-27F-1. The first sentence of the first paragraph of both notices now reads:

> This notice is required to be sent to you pursuant to laws administered by the U.S. Securities and Exchange Commission.

AMFPS has requested that this sentence be modified to avoid any possible implication that the Commission has taken action against the sponsor. The second sentence of the third paragraph of Form N-27F-1 reads:

> Your plan provides for payment of $--(12)-- per --(13)------ over a period of --(14)-- years, or total payments of $--(15)---.

AMFPS has requested that the total number of payments required under a periodic payment plan be substituted for the number of years over which payments would be required under such a plan in order to avoid the impression that a plan purchaser must complete his payments at a particular time.

The Commission has determined, pursuant to the authority granted to it in sections 27(e), 27(f), and 38(a) (15 U.S.C. 80a-27(e), 80a-27(f), 80a-37(a)) of the Act, to amend the forms in various respects. Section 27 (e) and (f) provide that the Commission may make rules specifying the method, form and contents of the notice required by those sections. Section 38(a) of the Act authorizes the Commission to issue such rules as are necessary or appropriate to the exercise of the powers conferred upon the Commission in the Act.

Commission action: Parts 270 and 274 of Chapter II of Title 17 of the Code of Federal Regulations are amended in the following manner:

I. Section 270.27e-1 is amended by revising in paragraph (f) the language in the first sentence in Form N-27E-1, after the word "Dear --(2)------" which reads:

> This notice is required to be sent to you pursuant to the laws administered by the U.S. Securities and Exchange Commission.

so as to read as set forth below.

As amended Form N-27E-1 in paragraph (f) of § 270.27e-1 reads as follows:

§ 270.27e-1 Requirements for notice to be mailed to certain purchasers of periodic payment plan certificates sold subject to section 27(d) of the Act.

* * * * *

(f) * * *

FORM N-27E-1—NOTICE TO PERIODIC PAYMENT PLAN CERTIFICATE HOLDERS OF 18 MONTHS SURRENDER RIGHTS WITH RESPECT TO PERIODIC PAYMENT PLAN CERTIFICATES[2]

IMPORTANT

(Date of mailing)
Re: --(1)------.

DEAR --(2)------: This notice is required to be sent to all purchasers of plan certificates pursuant to laws administered by the U.S. Securities and Exchange Commission. You should read it carefully and retain it with your financial records.

You have missed --(3)------ after your --(4)------ plan certificate was issued. Until --(5)------ you will be entitled to surrender your plan certificate and receive, in addition to the value of your account on the date your certificate is received, a refund of that portion of the sales charges you have paid in excess of 15 percent of the gross payments under your plan.

For example, if your certificate had been received for surrender --(6)------ you would have received a total of $--(7)-- for it (the value of your account $--(8)-- plus a refund of $--(9)-- of the sales charges you have paid). After your right expires you will be entitled to receive only the value of your account. Of course, the value of your account will vary from day to day and by the date your right expires it may be more or less than it is today.

In determining whether to exercise your right to terminate your plan, you should consider that, while the average sales charge deducted from your payments has amounted to --(10)------ percent of the total payments made, the sales charge for the remainder of the payments under the plan, if you continue the plan, will be --(11)------ and the average sales charge if you complete the plan will be --(12)------ percent. Exercising your right to terminate your plan, however, will result in a net sales charge of 15 percent of your total payments. Accordingly, if you believe you may discontinue making further payments on your plan, it would probably be to your advantage to exercise this right now.

If you wish to exercise your right to terminate your plan, you may return your certificate to --(13)------ by --(14)------ in accordance with the enclosed instructions.

Very truly yours,

--(15)-------.

* * * * *

II. Section 270.27f-1 is amended by—

1. Revising in paragraph (d) the language in the first sentence in Form N-27F-1, after the word "Dear --(2)------" which reads:

> This notice is required to be sent to you pursuant to laws administered by the U.S. Securities and Exchange Commission."

so as to read as set forth below.

And by,

2. Revising in said paragraph (d) the language after the phrase "as they become due" in the second sentence of the third paragraph of Form N-27F-1 which reads:

> Your plan provides for payment of $--(12)-- per --(13)------ over a period of --(14)------ years, or total payments of $--(15)---.

so as to read as set forth below.

And by—

3. Revising in said paragraph (d), items (12), (13), and (14) of the *Itemized Instructions* to Form N-27F-1 which read:

(12) The dollar amount of each scheduled periodic payment to be made by the certificate holder.

(13) The period (e.g., month, quarter) for which payments are scheduled to be made under the plan.

(14) The total number of years constituting the full term of the plan.

So as to read as set forth below.

As amended Form N-27F-1 in paragraph (d) of § 270.27f-1 of this chapter reads as follows:

§ 270.27f-1 Notice of right of withdrawal required to be mailed to periodic payment plan certificate holders and exemptions from section 27(f) for certain periodic payment plan certificates.

* * * * *

(d) * * *

FORM N-27F-1—NOTICE TO PERIODIC PAYMENT PLAN CERTIFICATE HOLDERS OF 45-DAY WITHDRAWAL RIGHT WITH RESPECT TO PERIODIC PAYMENT PLAN CERTIFICATES

IMPORTANT

(Date of mailing)
Re: --(1)------

DEAR --(2)------: This notice is required to be sent to all purchasers of plan certificates pursuant to laws administered by the U.S. Securities and Exchange Commission. You should read it carefully and retain it with your financial records.

Of the $--(3)-- you have paid on your --(4)------ plan $--(5)-- has been deducted for various charges. A total of $--(6)-- or --(7)------ percent of your first --(8)------ monthly payments will be deducted from those payments for similar charges. Charges of $--(9)-- or --(10)------ percent will be deducted from each subsequent payment. You have until --(11)------ to surrender your certificate for any reason and receive a refund of all of the charges which have been deducted from your payments, and, in addition, the value of your account on the date your certificate is received.

In determining whether or not to exercise your right you should consider, among other things, the projected cost of your investment and your ability to make the scheduled payments over the life of your plan as they become due. Your plan provides for --(12)------ payments of $--(13)-- per

[1] See, Investment Company Act Release No. 6848, Dec. 1, 1971 (36 F.R. 24054), which amended Rule 27f-1.

[2] See the General Instructions to Form N-27E-1 in paragraph (f) of § 270.27e-1 of this chapter, 36 F.R. 13138.

--(14)------, or total payments of $--(15)---. If you made all of the scheduled payments over the full term of your plan, the total deductions would be $--(16)-- or an effective charge of --(17)------ percent of your total payments. However, if you do not complete your program, the deduction of various charges from your initial payments will result in your paying effective charges in excess of that rate. For a more complete description of the charges deducted under your plan, carefully review your prospectus.

If you wish to exercise your right of withdrawal, return your plan certificate to --(18)------ by --(19)------ in accordance with the enclosed instructions.

Very truly yours,

--(20)------.

INSTRUCTIONS FOR USE OF FORM N-27F-1

FORM N-27F-1—INSTRUCTIONS

General instructions.

A. The notice shall be legible and shall be printed or typed on letter-size paper. It shall be in modern type at least as large as 10-point modern type. All type shall be leaded at least 2 points. Parenthetical references should be completed in accordance with the Itemized Instructions below and need not be underlined or bold-faced.

B. The notice shall bear the letterhead of the sender and the mailing date. An inconspicuous reference to the form number may appear on the notice.

Itemized instructions.

Insert the following in the corresponding numbered spaces on Form N-27F-1.

(1) The name of the plan and the account number of the certificate holder. An additional internal record keeping reference may also be included at the option of the sender.

(2) The name of certificate holder or an identification such as "Investor" or "Planholder."

(3) The total amount paid by the certificate holder as of the date of the mailing.

(4) The name of the plan.

(5) The total amount deducted for all charges from the amount paid by the certificate holder as of the date of the mailing.

(6) The total dollar amount of all charges scheduled to be deducted from the payments made by the certificate holder before the first regular payment upon which there would be a reduction in the rate of the applicable sales charge below 9 percent of the certificate holder's gross payment.

(7) The percentage that the total charges set forth in Item 6 are of the total payments included under Instruction 6 above.

(8) The number of regular monthly payments required to be made before the rate of the sales charges deducted from such regular payment is reduced to less than 9 percent of the certificate holder's gross payment.

(9) The dollar amount of the charges to be deducted from each payment made by the certificate holder after the first regular payment upon which there would be a reduction in the rate of the applicable sales charge below 9 percent of the certificate holder's gross payment. If a portion of the payments is used for the purchase of completion insurance, the amount attributable thereto shall not be included as a charge and the following phrase shall be added: "Apart from insurance premiums based upon the amount of coverage in effect at the time of payment."

(10) The percentage that the amount of the charges set forth in Item 9 are of the amount of the payment included under Instruction 9 above.

(11) The date which is 45 days from the date on which the notice will be mailed.

(12) The number of monthly or quarterly payments provided for under the plan.

(13) The dollar amount of each scheduled periodic payment to be made by the certificate holder.

(14) The period (e.g., month, quarter) for which payments are scheduled to be made under the plan.

(15) The dollar amount of total payments scheduled to be made over the full term of the plan by the certificate holder.

(16) The total dollar amount of all charges scheduled to be deducted over the full term of the plan.

(17) The percentage that the total charges as set forth in Item 16 are of the total payments scheduled to be made by the certificate holder over the full term of the plan.

(18) The name and address of the custodian bank or other person authorized to accept surrendered certificates.

(19) The date which is 45 days from the date on which the notice will be mailed.

(20) The name of a responsible officer of the sender with his title.

(Secs. 27(e), 27(f), 38(a); 54 Stat. 829, 841; 15 U.S.C. 80a-27(e), 80a-27(f), 80a-37(a); sec. 16, Public Law 91-547, 84 Stat. 1424-1425)

The Commission considers the foregoing amendment to be technical, rather than substantive modifications, and hereby finds that notice and procedures specified under 5 U.S.C. 553 are unnecessary. Accordingly, the foregoing action shall be effective May 15, 1972. However, forms which comply with the requirements in effect before this amendment may be used until such supply is exhausted.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

MAY 2, 1972.

[FR Doc.72-7528 Filed 5-17-72;8:49 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD ADDITIVES

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

PIPERONYL BUTOXIDE AND PYRETHRINS

Correction

In F.R. Doc. 72-7163 appearing at page 9463 in the issue for Thursday, May 11, 1972, in the second line of the first paragraph, the reference to "FMP Corp." should read "FMC Corp."

SUBCHAPTER C—DRUGS

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Sterile Pralidoxime Chloride

The Commissioner of Food and Drugs has evaluated a new animal drug application (39-204V) filed by Ayerst Laboratories, Division of American Home Products Corp., 685 Third Avenue, New York, N.Y. 10017, proposing the safe and effective use of sterile pralidoxime chloride in horses, dogs, and cats. The application is approved.

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

§ 135b.44 Sterile pralidoxime chloride.

(a) *Chemical name.* 2-Formyl-1-methylpyridinium chloride oxime.

(b) *Specifications.* Sterile pralidoxime chloride is packaged in vials. Each vial contains 1 gram of sterile pralidoxime chloride powder and includes directions for mixing this gram with 20 cubic centimeters of sterile water for injection prior to use.

(c) *Sponsor.* See code No. 038 in § 135.501(c) of this chapter.

(d) *Conditions of use.* (1) It is used in horses, dogs, and cats as an antidote in the treatment of poisoning due to those pesticides and chemicals of the organophosphate class which have anticholinesterase activity in horses, dogs, and cats.

(2) It is administered as soon as possible after exposure to the poison. Before administration of the sterile pralidoxime chloride, atropine is administered intravenously at a dosage rate of 0.05 milligram per pound of body weight, followed by administration of an additional 0.15 milligram of atropine per pound of body weight administered intramuscularly. Then the appropriate dosage of sterile pralidoxime chloride is administered slowly intravenously. The dosage rate for sterile pralidoxime chloride when administered to horses is 2 grams per horse. When administered to dogs and cats, it is 25 milligrams per pound of body weight. For small dogs and cats, sterile pralidoxime chloride may be administered either intraperitoneally or intramuscularly. A mild degree of atropinization should be maintained for at least 48 hours. Following severe poisoning, a second dose of sterile pralidoxime chloride may be given after 1 hour if muscle weakness has not been relieved.

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

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (5-18-72).

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

Dated: May 5, 1972.

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

[FR Doc.72-7504 Filed 5-17-72;8:48 am]

PART 148k—NYSTATIN

Nystatin Oral Suspension

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507,

59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), Part 148k is amended to provide for a change in the pH limits of nystatin oral suspension.

Part 148k is amended in § 148k.12 Nystatin oral suspension, by revising the fourth sentence of paragraph (a)(1) to read as follows: "Its pH is not less than 4.5 and not more than 6.0; except, if the product contains glycerin, its pH is not less than 6.0 and not more than 7.5."

Data supplied by the manufacturer concerning the subject antibiotic have been evaluated. Since the conditions prerequisite to providing for this change have been complied with and since the matter is noncontroversial, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (5–18–72).

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: May 4, 1972.

H. E. SIMMONS,
Director, Bureau of Drugs.

[FR Doc.72–7505 Filed 5–17–72;8:48 am]

PART 148q—GENTAMICIN

Gentamicin Sulfate Injection

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), Part 148q is amended to provide for the certification of gentamicin sulfate injection at a concentration of 10 milligrams of gentamicin per milliliter.

Part 148q is amended in § 148q.4 Gentamicin sulfate injection, as follows:

1. By revising the second sentence of paragraph (a)(1) to read "Each milliliter contains gentamicin sulfate equivalent to either 10 milligrams or 40 milligrams of gentamicin."

2. By revising paragraph (a)(3)(ii)(*b*)(*1*) to read "For all tests except sterility: A minimum of 40 vials if each milliliter contains the equivalent of 10 milligrams of gentamicin or a minimum of 12 vials if each milliliter contains the equivalent of 40 milligrams of gentamicin."

Data supplied by the manufacturer concerning the subject antibiotic have been evaluated. Since the conditions prerequisite to providing for its certification have been complied with and since the matter is noncontroversial, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (5–18–72).

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: May 4, 1972.

H. E. SIMMONS,
Director, Bureau of Drugs.

[FR Doc.72–7506 Filed 5–17–72;8:48 am]

Chapter II—Bureau of Narcotics and Dangerous Drugs, Department of Justice

[BNDD Decision No. 2]

PART 308—SCHEDULES OF CONTROLLED SUBSTANCES

Exempt Chemical Preparations

A notice was published in the FEDERAL REGISTER of January 20, 1972 (37 F.R. 867), proposing the creation of a new class of preparations containing controlled substances and the exemption of preparations in this class from the application of certain controls imposed under the Comprehensive Drug Abuse Prevention and Control Act of 1970. All interested persons were given 30 days after publication to submit objections or comments on the proposal.

No objections were received. Several comments and inquiries, however, did reflect certain ambiguities presented in the proposal. As a result, the final order has substantially revised the language of the proposal to clarify the prerequisites to exemption and the scope of exemption. Many applications for exemption were also received and have, where appropriate, been included. All comments and applications have been responded to individually.

In order to effectuate the purposes of the Act, as expressed in the congressional history of the Act and sections 101, 201, and 202 of the Act (21 U.S.C. 801, 811, and 812), to provide a comprehensive system to control abusable substances, while accommodating the legitimate production, distribution, and use of chemical reagents and diagnostic preparations, the adoption of the new classification and exemption of preparations in that class from application of certain controls of the Act is a necessary and proper use of the authority vested in the Attorney General by sections 301 and 501(b) of the Act (21 U.S.C. 821 and 871(b) to promulgate and enforce rules and regulations relating to the registration and control of the manufacture, distribution and use of controlled substances.

Therefore, under the authority vested in the Attorney General by sections 301 and 501(b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 821 and 871(b)) and redelegated to the Director of the Bureau of Narcotics and Dangerous Drugs by § 0.100 of Title 28 of the Code of Federal Regulations, the Director hereby orders that Part 308 of Title 21 of the Code of Federal Regulations be amended as follows:

§ 308.22 [Amended]

1. By amending § 308.22 by deleting the following:

Trade name or other designation	Composition	Manufacturer or supplier
• • •	• • •	• • •
Beckman Buffer B-1	Packet: Diethyl Barbituric Acid, 184 gm. (for use with Beckman Model R paper electrophoresis system).	Spinco Division, Beckman Instruments, Inc.
Beckman Buffer B-2	Packet: Diethyl Barbituric Acid, 2.76 gm.; sodium diethyl barbiturate 15.40 gm. (for use with Beckman Model R paper electrophoresis system).	Do.
• • •	• • •	• • •

§ 308.32 [Amended]

2. By amending § 308.32(b) by deleting the following:

Trade name or other designation	Composition	Manufacturer or supplier
• • •	• • •	• • •
Tetralute I	One bottle of buffer containing 4.15 gm. of sodium barbital and 0.75 gm. of barbital other drugs and components.	Miles Laboratories, Inc.
• • •	• • •	• • •

3. By adding the following title and sections immediately after § 308.22:

EXEMPT CHEMICAL PREPARATIONS

§ 308.23 Exemption of certain chemical preparations; application.

(a) The Director may, by regulation, exempt from the application of all or any part of the Act any chemical preparation or mixture containing one or more controlled substances listed in any schedule, which preparation or mixture is intended for laboratory, industrial, educational, or special research purposes and not for general administration to a human being or other animal, if the preparation or mixture either:

(1) Contains no narcotic controlled substance and is packaged in such a form or concentration that the packaged quantity does not present any significant potential for abuse (the type of packaging and the history of abuse of the same or similar preparations may be considered in determining the potential for abuse of the preparation or mixture); or

(2) Contains either a narcotic or nonnarcotic controlled substance and one or more adulterating or denaturing agents in such a manner, combination, quantity, proportion, or concentration, that the preparation or mixture does not present any potential for abuse. If the preparation or mixture contains a narcotic controlled substance, the preparation or mixture must be formulated in such a manner that it incorporates methods of denaturing or other means so that the preparation or mixture is not liable to be abused or have ill effects, if abused, and so that the narcotic substance cannot in practice be removed.

(b) Any person seeking to have any preparation or mixture containing a controlled substance and one or more noncontrolled substances exempted from the application of all or any part of the Act, pursuant to paragraph (a) of this section, may apply to the Director, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Washington, D.C. 20537.

(c) An application for an exemption under this section shall contain the following information:

(1) The name, address, and registration number, if any, of the applicant;

(2) The name, address, and registration number, if any, of the manufacturer or importer of the preparation or mixture, if not the applicant;

(3) The exact trade name or other designation of the preparation or mixture;

(4) The complete qualitative and quantitative composition of the preparation or mixture (including all active and inactive ingredients and all controlled and noncontrolled substances);

(5) The form of the immediate container in which the preparation or mixture will be distributed with sufficient descriptive detail to identify the preparation or mixture (e.g., bottle, packet, vial, soft plastic pillow, agar gel plate, etc.);

(6) The dimensions or capacity of the immediate container of the preparation or mixture;

(7) The label and labeling, as defined in § 302.01 of this chapter, of the immediate container and the commercial containers, if any, of the preparation or mixture;

(8) A brief statement of the facts which the applicant believes justify the granting of an exemption under this paragraph, including information on the use to which the preparation or mixture will be put;

(9) The date of the application; and

(10) Which of the information submitted on the application, if any, is deemed by the applicant to be a trade secret or otherwise confidential and entitled to protection under subsection 402(a)(8) of the Act (21 U.S.C. 842 (a)(8)) or any other law restricting public disclosure of information.

(d) The Director may require the applicant to submit such documents or written statements of fact relevant to the application as he deems necessary to determine whether the application should be granted.

(e) Within a reasonable period of time after the receipt of an application for an exemption under this section, the Director shall notify the applicant of his acceptance or nonacceptance of the application, and if not accepted, the reason therefor. The Director need not accept an application for filing if any of the requirements prescribed in paragraph (c) or requested pursuant to paragraph (d) is lacking or is not set forth so as to be readily understood. If the applicant desires, he may amend the application to meet the requirements of paragraph (c) and (d) of this section. If the application is accepted for filing, the Director shall publish in the FEDERAL REGISTER general notice of his proposed rule making in granting or denying the application. Such notice shall include a reference to the legal authority under which the rule is proposed, a statement of the proposed rule granting or denying an exemption, and, in the discretion of the Director, a summary of the subjects and issues involved. The Director shall permit any interested person to file written comments on or objections to the proposal and shall designate in the notice of proposed rule making the time during which such filings may be made. After consideration of the application and any comments on or objections to his proposed rule making, the Director shall issue and publish in the FEDERAL REGISTER his final order on the application, which shall set forth the findings of fact and conclusions of law upon which the order is based. This order shall specify the date on which it shall take effect.

(f) The Director may at any time revoke or modify any exemption granted pursuant to this section by following the procedures set forth in paragraph (e) of this section for handling an application for an exemption which has been accepted for filing. The Director may also modify or revoke the criteria by which exemptions are granted (and thereby modify or revoke all preparations and mixtures granted under the old criteria) and modify the scope of exemptions at any time.

§ 308.24 Exempt chemical preparations.

(a) The chemical preparations and mixtures set forth in paragraph (i) of this section have been exempted by the Director from application of sections 302, 303, 305, 306, 307, 308, 309, 1002, 1003, and 1004 of the Act (21 U.S.C. 822–3, 825–9, 952–4) and § 301.74 of this chapter, to the extent described in paragraphs (b) to (h) of this section.

(b) Registration and security: Any person who manufactures an exempt chemical preparation or mixture must be registered under the Act and comply with all relevant security requirements regarding controlled substances being used in the manufacturing process until the preparation or mixture is in the form described in paragraph (i) of this section. Any other person who handles an exempt chemical preparation after it is in the form described in paragraph (i) of this section is not required to be registered under the Act to handle that preparation, and the preparation is not required to be stored in accordance with security requirements regarding controlled substances.

(c) Labeling: In lieu of the requirements set forth in Part 302 of this chapter, the label and the labeling of an exempt chemical preparation must be prominently marked with its full trade name or other description and the name of the manufacturer or supplier as set forth in paragraph (i) of this section, in such a way that the product can be readily identified as an exempt chemical preparation. The label and labeling must also include in a prominent manner the statement "For industrial use only" or "For chemical use only" or "For in vitro use only—not for human or animal use" or "Diagnostic reagent— for professional use only" or a comparable statement warning the person reading it that human or animal use is not intended. The symbol designating the schedule of the controlled substance is not required on either the label or the labeling of the exempt chemical preparation, nor is it necessary to list all ingredients of the preparation.

(d) Records and reports: Any person who manufactures an exempt chemical preparation or mixture must keep complete and accurate records and file all reports required under Part 304 of this chapter regarding all controlled substances being used in the manufacturing process until the preparation or mixture is in the form described in paragraph (i) of this section. In lieu of records and reports required under Part 304 of this chapter regarding exempt chemical preparations, the manufacturer need only record the name, address, and registration number, if any, of each person to whom the manufacturer distributes any exempt chemical preparation. Each importer or exporter of an exempt narcotic chemical preparation must submit a semiannual report of the total quantity of each substance imported or exported in each calendar half-year within 30 days of the close of the period to the Distribution Audit Branch, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Washington, D.C. 20537. Any other person who handles an exempt chemical preparation after it is in the form described in paragraph (i) of this section is not required to maintain records or file reports.

(e) Quotas, order forms, prescriptions, import, export, and transshipment requirements: Once an export chemical preparation is in the form described in paragraph (i) of this section, the requirements regarding quotas, order forms, prescriptions, import permits and declarations, export permit and declarations, and transshipment and intransit permits and declarations do not apply. These requirements do apply, however, to any controlled substances used in manufacturing the exempt chemical preparation before it is in the form described in paragraph (i) of this section.

(f) Criminal penalties: No exemption granted pursuant to § 308.23 affects the criminal liability for illegal manufacture, distribution, or possession of controlled substances contained in the exempt chemical preparation. Distribution, possession, and use of an exempt chemical preparation are lawful for registrants and nonregistrants only as long as such distribution, possession, or use is intended for laboratory, industrial, or educational purposes and not for immediate or subsequent administration to a human being or other animal.

(g) Bulk materials: For materials exempted in bulk quantities, the Director may prescribe requirements other than those set forth in paragraphs (b) through (e) of this section on a case-by-case basis.

(h) Changes in chemical preparations: Any change in the quantitative or

qualitative composition of the preparation or mixture after the date of application, or change in the trade name or other designation of the preparation or mixture, set forth in paragraph (i) of this section, requires a new application for exemption.

(i) The following preparations and mixtures, in the form and quantity listed in the application submitted (indicated as the "date of application") are designated as exempt chemical preparations for the purposes set forth in this section:

Manufacturer or supplier	Product name and supplier's catalog number	Form of product	Date of application
American Hospital Supply Corp. (Scientific Products Division).	Scientific Products Buffer Salt Mixture B-2, No. 93953.	Vial: 18.18 grams per 10 dram vial.	9-15-71
American Hospital Supply Corp. (Dade Division).	Adsorbed Plasma Reagent No. B4233-1 and No. B4233-2.	Bottle: 1 ml	8-16-71
Do	Owren's Veronal Buffer No. B4234-25.	Bottle: 15 ml	8-16-71
Do	Phosphatase Substrate No. B5312-1 and No. B5312-5.	Bottle: 73 mg. dry powder	8-16-71
Do	Serum Reagent No. B4233-1 and No. B4233-2.	Bottle: 1 ml	8-16-71
Do	Thrombin Reagent (Bovine) No. B4233-15.	Bottle: 1 ml	8-16-71
Do	Thyroxine Buffer No. B5630-1	Bottle: 5 ml	8-16-71
American Hospital Supply Corp. (Harleco Division).	Barbital Buffer B-1 No. 96772	Vial: 12.12 grams per 7 dram vial.	9-15-71
Do	Barbiturate Standards Set. No. 64898.	Vial: 9 x 3 ml. of 8 single and 1 mixed at 15 mg per dl.	10-22-71
Do	Barringer & Woodard Buffered Substrate No. 23695.	Vial: 0.73 grams per 15 x 45 mm. vial.	9-15-71
Do	Buchler Instrument Buffer B-2 Double Strength, pH 8.6, 0.075m No. 93834.	Vial: 36.36 grams	9-15-71
Do	Buffer Barbital, pH 8.6, No. 96804	Vial: 1.52 grams per 15 x 45 mm. vial.	9-15-71
Do	Buffer Barbital, pH 8.8, No. 7691	Vial: 11.76 grams per 10 dram vial.	9-15-71
Do	Buffer Salt-Barbital Acetate Mixture, pH 8.6, No. 3787.	Vial: 14.7 grams per 29.5 x 80 mm. vial.	9-15-71
Do	Buffer Salt Mixture, pH 8.8, No. 7644	Vial: 17.85 grams per 29.5 x 80 mm. vial.	9-15-71
Do	Buffer Salt Mixture Spinco B-1, pH 8.6, 0.05 Ionic Strength, No. 3947.	Vial: 12.12 grams per 29.5 x 80 mm. vial.	9-15-71
Do	Buffer Salt Mixture Spinco B-2, pH 8.6, 0.075 Ionic Strength, No. 3948.	Vial: 18.18 grams per 29.5 x 80 mm. vial.	9-15-71
Do	Buffered Barbital Sodium Chloride, pH 7.5, No. 64647.	Vial: 14.7 grams per vial	9-15-71
Do	Buffered Substrate Glycerophosphate Bodansky, No. 23681.	Vial: 0.924 grams per 15 x 45 mm. vial.	9-15-71
Do	Buffered Veronal, pH 7.5, No. 64322	Vial: 16.48 grams per vial	9-15-71
Do	Gilereas & Davis Buffered Substrate, No. 23701.	Vial: 1.228 grams per 15 x 45 mm. vial.	9-15-71
Do	King & Armstrong Buffered Substrate, No. 23721.	Vial: 1.14 grams per 15 x 45 mm. vial.	9-15-71
Do	Roe & Whitmore Buffered Substrate, No. 23686.	Vial: 0.854 grams per 15 x 45 mm. vial.	9-15-71
Do	Scientific Products Buffer Salt Mixture B-2, No. 93953.	Vial: 18.18 grams per 10 dram vial.	9-15-71
Do	Shinowara, Jones & Reinhart Buffered Substrate, No. 23738.	Vial: 0.945 grams per 15 x 45 mm. vial.	9-15-71
Do	Thymol Barbital Buffer, McLagan Modified, pH 7.8, No. 29944.	Vial: 1.256 grams per 15 x 45 mm. vial.	9-15-71
Do	Thymol Buffer 100 ml 100 mg., Huerga & Popper, No. 29959.	Vial: 0.964 grams per 15 x 45 mm. vial.	9-15-71
Do	Thymol Buffer, pH 7.8, MacLagan, No. 29949.	Vial: 1.02 grams per vial	9-15-71
Do	Thymol Buffer, pH 7.55 Mateer, No. 29951.	Vial: 0.96 grams per 15 x 45 mm. vial.	9-15-71
Do	Zinc Sulfate, pH 7.5 (Kunkel), No. 64050.	Vial: 0.514 grams per vial	9-15-71
Amersham/Searle	Codeine (N-methyl-C14) Hydrochloride No. CFA-421.	Ampule: 10 cc	3-27-72
Do	Morphine (N-methyl-C14) Hydrochloride No. CFA-363.	do	3-27-72
Beckman Instruments, Inc. (Spinco Division).	Beckman Buffer B-1	Packet: 12.14 Gm	4-24-71
Do	Beckman Buffer B-2	Packet: 18.16 Gm	4-24-71
Buchler Instruments, Inc	Buchler Instrument Buffer B-2 Double Strength, pH 8.6, 0.075m No. 93834.	Vial: 36.36 grams	9-15-71
Chemed Corp. (Dearborn Chemical Division).	Zinc Reagent No. 2, No. 704	Pillow: 10 mg. each	6-23-71
Gelman Instruments Co	Drug Standard Set No. 51910	Set: 3 vials of 2 ml. each	4-6-72
Do	Drug Control Set No. 51911	Set: 3 vials of 50 ml. each	4-6-72
Do	High Resolution Buffer-Tris Barbital Buffer No. 51104.	Vial: 10 dram	12-22-71
Gugol Science Corp	Gugol Concentrate No. 10109	Vials: 20 ml., 90 ml., and 450 ml.	3-23-72
Hach Chemical Co	pH 8.5 Buffer Powder Pillows, No. 920-85.	Pillow: 0.5 Gm. each	11-30-71
Do	pH 8.3 Buffer Powder Pillows, No. 898-98.	Pillow: 1 gram each	11-30-71
Do	Zincover II Powder Pillows, No. 2017.	do	11-30-71
Do	Buffered Substrate, Glycerophosphate, Roe & Whitmore, pH 9.6, No. 20060.	Vial: 0.855 grams per 100 ml + +	11-30-71
Do	Buffered Substrate, Glycerophosphate, Shinowara, Jones & Reinhart, pH 10.9, No. 20063.	Vial: 0.925 grams per 100 ml	11-30-71
Do	Buffered Substrate, Glycerophosphate, Shinowara, Jones & Reinhart—Stock, No. 20061.	Vial: 1.85 grams per 100 ml	11-30-71
Do	Buffered Substrate, Glycerophosphate, Shinowara, Jones & Reinhart, pH 5.0, No. 20062.	Vial: 0.925 grams per 100 ml	11-30-71
Hoffman-La Roche Inc	Radioimmunoassey for Detection of Morphinans.	Tubes: 4 ml., and vials: 5 ml	3-29-72
Hyland Division Travenol Laboratories, Inc.	Agar Gel Plates No. 3003	Package: 8 plates—25 ml. per plate.	8-31-71
Do	Agar Gel Plates No. 3013	Package: 10 plates—25 ml. per plate.	8-31-71
Do	Agar Gel Plates No. 3058	do	8-31-71
Do	Buffer No. 3017	Vial: 250 ml	8-31-71
Do	Buffer No. 3059	do	8-31-71
Do	Diluting Fluid No. 3400	Vial: 10 ml	8-31-71
Do	Partial Thromboplastin Liquid, No. 3481.	Vial: 0.1 ml	8-31-71
Do	PTC Reagent Dried, No. 3497	Vial: 1 ml	8-31-71
Do	Supplemental Urine Clinical Chemistry Control, Dried, No. 0402 and No. 0521.	Vial: 25 ml	8-31-71
Industrial Biological Laboratories, Inc.	DGV Solution	Vial: 100 cc	12-28-71
Lederle Laboratories Division of American Cyanamid Co.	DGV Buffer, 5x No. 2606-37	Vial: 20 ml	11-19-71
Do	Serum Toxicology Control Drugs A, No. 2940-69.	Vial: 10 ml	11-19-71
Do	Abnormal Urine Control, No. 2920-80.	Vial: 25 ml	11-19-71
Do	Urine Toxicology Control Drugs I, No. 2950-61.	do	11-19-71
Do	Urine Toxicology Drugs I Screening Proficiency, No. 2851-61.	do	3-13-72
Do	Urine Toxicology Control Drugs 2—Barbiturates, No. 2952-61.	do	3-13-72
Do	Urine Toxicology Control Drugs 2—Barbiturates, Proficiency No. 2953-61.	do	3-13-72

Manufacturer or supplier	Product name and supplier's catalog number	Form of product	Date of application
Lederle Laboratory Division of American Cyanamid Co.	Urine Toxicology Control Drugs 3—Amphetamines No. 2954–61.	do	3–13–72
Do	Urine Toxicology Control Drugs 3—Amphetamines, Proficiency No. 2955–61.	do	3–13–72
Do	Urine Toxicology Control, Drugs 4—Alkaloid No. 2956–61.	do	3–13–72
Do	Urine Toxicology Control, Drugs 4—Alkaloid, Proficiency No. 2957–61.	do	3–13–72
Mallard, Inc	High Resolution Buffer-Tris Barbital Buffer No. 51104.	Vial: 1½ dram	+ 12–22–71
Mallinckrodt Chemical Works	Res-O-Mat ETR Solution	Vial: 1½ dram	2–17–72
Do	Res-O-Mat T4 Solution	do	2–17–72
Meloy Laboratories	Agar Gel Plate Kit No. F–101, F–211, F–212, F–213, G–202, G–303, and G–304.	Package: 6 plates and 2 vials (30 x 70 mm) per kit.	11–30–71
Do	Barbital Buffer (or Electrophoresis Buffer).	Vial: 12.12 grams per 29.5 x 80 mm. vial.	9–15–71
Miles Laboratories Inc	Tetralute	Bottle: 4.9 gram	7–29–70
Nalco Chemical Co	Zn–1P No. 723	Pillow: 10 mg. each	11–30–71
Do	Zn–2P No. 723	do	11–30–71
Purex Laboratories, Inc	Cannabis Sativa, Allergenic Extract 1000 pnu/cc.	Vial: 2 cc	9–29–71
Do	Cannabis Sativa, Allergenic Extract, 20,000 pnu/cc.	Vial: 50 cc	9–29–71
Ortho Diagnostics	Activated ThromoboFAX No. 731000.	Bottle: 3.2 ml	9–21–71
Do	Hapindex, Agar Gel Plate, No. 740000.	Plate: 43 ml. per plate	9–21–71
Do	Ortho Abnormal Plasma Coagulation Control.	Packet: 96.5 mg	9–21–71
Do	Ortho HAA Positive Control No. 740100.	Vial: 1 mg	3–27–72
SGA Scientific Corp	Barbital-Acid Buffer Salt, No. 1173	Bottle: 4 oz	11–4–71
Do	Barbital-Sodium Buffer Salt, No. 11731.	do	11–4–71
Do	Barringer & Woodard Buffered Substrate No. 23695.	Vial: 0.73 gram per 15 x 45 mm. vial.	9–15–71
Do	Buchler Instrument Buffer B–2 Double Strength, pH 8.6, 0.075m No. 93834.	Vial: 36.36 grams	9–15–71
Do	Buffer Barbital pH 8.8, No. 7691	Vial: 11.76 grams per 10 dram vial.	9–15–71
Do	Buffer Salt—Barbital Acetate, Mixture pH 8.6, No. 3787.	Vial: 14.7 grams per 29.5 x 80 mm. vial.	9–15–71
Do	Buffer Salt Mixture pH 8.8, No. 7644	Vial: 17.85 grams per 29.5 x 80 mm. vial.	9–15–71
Do	Buffer Salt Mixture Spinco B–1, pH 8.6, 0.05 Ionic Strength, No. 3947.	Vial: 12.12 grams per 29.5 x 80 mm. vial.	9–15–71
Do	Buffer Salt Mixture Spinco B–2, pH 8.6, 0.075 Ionic Strength, No. 3948.	Vial: 18.18 grams per 29.5 x 80 mm. vial.	9–15–71
Do	Buffered Barbital Sodium Chloride, pH 7.5, No. 64647.	Vial: 14.7 grams per vial	9–15–71
Do	Buffered Substrate Glycerophosphate Bodansky, No. 23681.	Vial: 0.924 grams per 15 x 45 mm. vial.	9–15–71
Do	Buffered Veronal, pH 7.5, No. 64322	Vial: 16.48 grams per vial	9–15–71
Do	Gilcreas & Davis Buffered Substrate, No. 23701.	Vial: 1.228 grams per 15 x 45 mm. vial.	9–15–71
Do	King & Armstrong Buffered Substrate, No. 23721.	Vial: 1.14 grams per 15 x 45 mm. vial.	9–15–71
Do	Roe & Whitmore Buffered Substrate, No. 23686.	Vial: 0.854 grams per 15 x 45 mm. vial.	9–15–71
Do	Scientific Products Buffer Salt Mixture B–2, No. 93953.	Vial: 18.18 grams per 10 dram vial.	9–15–71
Do	Shinowara, Jones & Reinhart Buffered Substrate, No. 23738.	Vial: 0.945 grams per 15 x 45 mm. vial.	9–15–71
Do	Thymol Barbital Buffer, McLagan Modified pH 7.8, No. 29944.	Vial: 1.256 grams per 15 x 45 mm. vial.	9–15–71
Do	Thymol Buffer 100 ml = 100 mg., Huerga & Popper, No. 29959.	Vial: 0.964 grams per 15 x 45 mm. vial.	9–15–71
Do	Thymol Buffer pH 7.8, MacLagan, No. 29949.	Vial: 1.02 grams per vial	9–15–71
Do	Thymol Buffer pH 7.55 Mateer, No. 29951.	Vial: 0.96 grams per 15 x 45 mm. vial.	9–15–71
Do	Thymol Turbidity Test Set, No. 3105.	Packet: 1 gram	11–4–71
SGA Scientific Corp	Zinc Sulfate pH 7.5 (Kunkel), No. 64050.	Vial: 0.514 grams per vial	9–15–71
Schwarz/Mann Div. Becton Dickinson and Co.	Barbital Buffer Salt Mixture, No. 0752–04 and No. 0752–07.	Vial: 50 cc	11–4–71
E. R. Squibb & Sons, Inc	AuSure Barbital Buffer Powder, No. B79209.	Vial: 1.51 grams	7–28–71
Do	AuSure CEP Plate, No. B78209	Plate: 40cc. per plate	9–16–71
Do	Barbital Buffer Mixture Angiotensin I Immutope Kit, No. 09501.	Vial: 6.055 grams	7–20–71
SYVA Co	Lyophilized Urine Base Morphine Standard Set.	Vial: 2 ml. (7 vials per set)	2–24–72
Do	Lyophilized Urine Base Amphetamine Standard Set.	Vial: 2 ml. (3 vials per set)	2–24–72
Do	Lyophilized Urine Base Secobarbital Standard Set.	Vial: 2 ml. (4 vials per set)	2–24–72
Do	Lyophilized Urine Base Methadone Standard Set.	Vial: 2 ml. (5 vials per set)	2–24–72
Warner-Lambert Co. (General Diagnostics Division).	Platelin	Vial: 7.3 ml	3–13–72
Do	Platelin plus Activator	do	3–13–72
Do	Simplastin	Vials: 4.7 ml., 7.3 ml. and 16.5 ml.	3–13–72
Do	Simplastin—A	Vial: 7.3 ml	3–13–72
Do	TGTR Set	Package: 4 tests per set	3–13–72

This order is effective on the date of its publication in the FEDERAL REGISTER (5–18–72).

Dated: May 11, 1972.

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

[FR Doc.72–7457 Filed 5–17–72;8:45 am]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 524—SPECIAL MINIMUM WAGES FOR HANDICAPPED WORKERS IN COMPETITIVE EMPLOYMENT

Applicability, Definitions, Special Provisions; Correction

In F.R. Doc. 71–96, published January 5, 1971 (36 F.R. 50), the following changes should be made: Insert "the administration of" between "supervising" and "rehabilitation" in the second sentence of § 524.1(c); delete "the" between "in" and "industry" in § 524.2(d); and delete the apostrophe from "Veterans Administration" in §§ 524.2(b) and 524.4 (a), (b), and (f).

HORACE E. MENASCO,
Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.72–7515 Filed 5–17–72;8:46 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

San Pablo Bay, Calif.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 204.215 governing the use of a danger zone in San Pablo Bay, Vallejo, Calif., is hereby amended with respect to paragraph (a) to extend the area, effective on publication in the FEDERAL REGISTER (5–18–72), as follows:

§ 204.215 San Pablo Bay, Calif.; target practice area, Mare Island Naval Shipyard, Vallejo.

(a) *The danger zone.* A sector in San Pablo Bay adjacent to the westerly shore of Mare Island with a radius of 4,700

yards, centered at a point bearing 316° true, 3,605 yards, from Mare Island Strait Light 1, with limiting true bearings from that center of 266°30′ and 222°.

* * * * *

[Regs., May 4, 1972, 1522-01, Extension of Danger Area for Mare Island Rifle Range, DAEN-CWO-N] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

R. B. BELNAP,
Special Advisor to TAG.

[FR Doc. 72-7554 Filed 5-17-72;8:50 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 5A of Title 41 is amended as follows:

PART 5A-1—GENERAL

Subpart 5A-1.3—General Policies

Section 5A-1.352-1 is amended and paragraph (c) is added, as follows:

§ 5A-1.352-1 Contracts required to be numbered.

* * * * *

(b) * * *

(3) * * *

(For additional instructions regarding this type of transaction see §§ 5A-72.105-23(b) and 5A-72.107-3.)

(c) To insure continuity and control of contract numbers, GSA Form 2728, Procurement Contract Register, shall be used by all procuring activities for registering pertinent contract data. See § 5A-16.950-2728 for illustration of form.

PART 5A-2—PROCUREMENT BY FORMAL ADVERTISING

The able of contents for Part 5A-2 is amended to add the following new entries:

Sec.
5A-2.204 Records of invitations for bids and records of bids.
5A-2.407-6 Equal low bids.

Subpart 5A-2.2—Solicitation of Bids

1. Section 5A-2.201-53(c) is revised as follows:

§ 5A-2.201-53 Grouping of items for aggregate award.

* * * * *

(c) As a general rule, the grouping (for aggregate award) of requirements for two or more widely dispersed geographic locations should be avoided as it tends to restrict competition and result in higher bid prices because some prospective bidders may not be able to offer competitive prices on requirements for some of the locations within the group. Item grouping may be justified, for example, (1) where one location has a large requirement and another location has a requirement to small to individually attract competitive bids, or (2) where it is industry practice to serve outlying locations on a route basis and complete coverage of all locations cannot be obtained economically, except by grouping them for aggregate award. The authority to approve determinations to group requirements covering widely dispersed geographic locations is delegated to the GS-14 contracting officer level. The procurement case file should be documented to show the reason for the determination and its approval.

2. Section 5A-2.204 is added as follows:

§ 5A-2.204 Records of invitations for bids and records of bids.

Contracting officers are responsible for ensuring that all amendments to solicitations and related notices are furnished promptly to recipients of solicitations which were mailed or otherwise furnished by the contracting officer. Business Service Centers shall also be supplied promptly with all amendments to solicitations and related notices to enable them to furnish such amendments and notices to individuals or firms which had originally been furnished the related solicitations by the centers.

3. Section 5A-2.205-2 is revised as follows:

§ 5A-2.205-2 Removal of names from bidders mailing lists.

Concerns which have been debarred or otherwise determined to be ineligible pursuant to Subparts 1-1.6 and 5-1.6 shall be removed from the FSS bidders mailing lists. This action will be taken by the Centralized Mailing List Services in Region 8. Debarred and ineligible concerns shall also be removed from any locally maintained bidders mailing lists (hand lists), and this should be accomplished upon receipt of interim notices issued by the Office of Audits and Investigations.

Subpart 5A-2.4—Opening of Bids and Award of Contract

4. Section 5A-2.404-2(a)(3) is revised as follows:

§ 5A-2.404-2 Rejection of individual bids.

(a) * * *

(3) In the "Basis for Rejection" portion enter concise but specific explanations for rejecting each lower-priced offer. If the explanations require space larger than the space provided on the form, the words "see continuation sheet(s)" shall be entered and the complete explanation shall be made on the separate sheet(s). Basis-for-rejection explanations shall include the regulatory authority as, for example, "FPR 1-2.404-2(a)—Failure to conform to the essential requirements of the specifications," and the statement, "The deviation is considered unacceptable as concurred in by Standardization Division." When a proposed rejection is based on failure to meet Qualified Products List (QPL) requirements, the explanation shall indicate the following: (i) Whether the item(s) offered had or had not been tested and approved for inclusion in the QPL as required by the solicitation; (ii) Whether the item has or has not been submitted for qualification testing; and (iii) The status of such testing, if available.

* * * * *

5. Section 5A-2.407-6 is added as follows:

§ 5A-2.407-6 Equal low bids.

In breaking a tie of equal low bids, the factors used in accordance with § 1-2.407-6 for determining the successful bidder must have existed on the date of bid opening. Certifications which are granted after the bid opening date cannot be applied to breaking an equal low bid tie.

PART 5A-16—PROCUREMENT FORMS

The table of contents for Part 5A-16 is amended to add the following new entry:

Sec.
5A-16.950-2728 GSA Form 2728, Procurement Contract Register.

Subpart 5A-16.9—Illustrations of Forms

NOTE: A copy of the form illustrated in § 5A-16.950-2728 is filed with the original document.

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

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

Dated: May 8, 1972.

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

[FR Doc.72-7559 Filed 5-17-72;8:50 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18878; FCC 72-341]

PART 2—FREQUENCY ALLOCATION AND RADIO TREATY MATTERS: GENERAL RULES AND REGULATIONS

Calculation of Necessary Bandwidth and Measurement of Occupied Bandwidth

Correction

In F.R. Doc. 72-6511 appearing at page 8882 in the issue of Tuesday, May 2, 1972, paragraph (g) of § 2.202 was inadvertently omitted and the tables accompanying paragraph (g) appeared as part of paragraph (f). Paragraph (g) should read as follows:

(g) Table of necessary bandwidths:

I. AMPLITUDE MODULATION

Description and class of emission	Necessary bandwidth in hertz	Examples: Details	Examples: Designation of emission
* * *	* * *	* * *	* * *

II. FREQUENCY MODULATION

Description and class of emission	Necessary bandwidth in hertz	Examples: Details	Examples: Designation of emission
* * *	* * *	* * *	* * *
Composite transmission: F9	B_n=2P+2DK K=1	Microwave radio relay system: Specifications: 60 telephone channels occupying baseband between 60 and 300 kHz; rms per-channel deviation 200 kHz; continuity pilot at 331 kHz produces 100 kHz rms deviation of main carrier. Computation of B_n: D=(200×10³×3.76×2.02)Hz =1.52×10⁹Hz P=0.331×10⁶Hz; Bandwidth: 3.702×10⁹Hz.	3700F9
Composite transmission: F9	B_n=2M+2DK K=1	Microwave radio relay system: Specifications: 960 telephone channels occupying baseband between 60 and 4028 kHz; rms per-channel deviation 200 kHz; continuity pilot at 4715 kHz produces 140 kHz rms deviation of main carrier. Computation of B_n: D=(200×10³×3.76×5.5)Hz=4.13×10⁹Hz; M=4.028×10⁶Hz; P=4.715×10⁶Hz; (2M+2DK)>2P Bandwidth: 16.32×10⁹Hz.	16300F9
Composite transmission: F9	B_n=2P	Microwave radio relay system: Specifications: 600 telephone channels occupying baseband between 60 and 2540 kHz; rms per-channel deviation 200 kHz; continuity pilot at 8500 kHz produces 140 kHz rms deviation of main carrier. Computation of B_n: D=(200×10³×3.76×4.36)Hz=3.28×10⁹Hz. M=2.54×10⁶Hz; K=1; P=8.5×10⁶Hz; (2M+2DK)<2P; Bandwidth: 17×10⁹Hz.	17000F9
Composite transmission: F9	B_n=2M+2DK K=1	TV microwave relay system: Specifications: Aural program on 7.5 MHz, aural subcarrier deviation ±150 kHz; continuity pilot at 8.5 MHz produces 140 kHz rms deviation of main carrier; D=3.7x10⁹Hz (visual) plus 0.3x10⁹Hz (aural). Computation of B_n: M=(7.5+0.15)x10⁶Hz; P=8.5x10⁶Hz D=(3.7+0.3)x10⁹Hz; (2M+2DK)>2P Bandwidth: 23.3x10⁹Hz.	23300F9
Composite transmission: F9	B_n=2P	TV microwave relay system: Specifications: Aural program on 6.0 MHz subcarrier; aural subcarrier deviation ±150 kHz; continuity pilot at 8.5 MHz produces 50 kHz rms deviation of main carrier; D=2x10⁹Hz (visual) plus 0.2 x10⁹Hz (aural). Computation of B_n: D=(2.0+0.2)x10⁹Hz; M=6.15x10⁶Hz; K=1: P=8.5x10⁶Hz; (2M+2DK)<2P; Bandwidth: 17x10⁹Hz.	17000F9
* * *	* * *	* * *	* * *

[1] The frequency (P) of a continuity pilot subcarrier in frequency modulated radio relay systems may exceed the value specified as M_t.

[Docket No. 18932; FCC 72-400]

SPECIAL INDUSTRIAL AND RAILROAD RADIO SERVICE

Allocation and Assignment of Frequencies

Report and order. In the matter of amendment of Parts 2, 91, and 93 of the Commission's rules, concerning the allocation and assignment of frequencies in the 72–76 MHz band, Docket No. 18932, RM–1135, RM–1068.

1. On August 7, 1970, the Commission issued a notice of proposed rule making in the above-entitled matter, which was published in the FEDERAL REGISTER on August 12, 1970, 35 F.R. 12772. Comments were filed by Comex Corp. (Comex), Forest Industries Radio Communications (FIRC), National Association of Manufacturers (NAM), and the Special Industrial Radio Service Association, Inc. (SIRSA), which also submitted reply comments.

2. The proposed rule changes would permit Special Industrial and Railroad Radio Service licensee use of 10 channels in the 72–76 MHz band. These frequencies are currently allocated to the Manufacturers Radio Service for voice and nonvoice low-power operations, including remote control by nonvoice techniques, and are generally employed for the operation of tone-controlled equipment which promotes personnel safety. In addition to the requirements governing the present use of these frequencies in the Manufacturers Radio Service, it was proposed that new applicants seeking the use of the frequencies be required to furnish evidence of frequency coordination among the three services involved. The Commission felt such a requirement was necessary to protect the safety-oriented uses involved.

3. In its notice, the Commission stated in part that expanded utilization of these frequencies could be accommodated and was desirable notwithstanding "extensive and successful use of 'flea' power operations by manufacturers." This conclusion was contested in the comment from NAM, which vigorously opposed the frequency-sharing proposal on the basis that expanded utilization was "incompatible" with present manufacturers' operations. The Commission's review in this regard shows that a majority of the manufacturing licensees are authorized for multiple-frequency operation in urban areas where user density is greatest. This pattern, however, is not "incompatible" with most Special Industrial operations on the frequencies, which, as SIRSA noted in its comments, will be conducted "at generally remote mining and construction areas" where the frequencies are suitable for meeting radio remote control communication requirements. Urban area use of these frequencies by railroads should also be compatible with the manufacturing operations since, as noted in some comments, the low power characteristics of these frequencies permit their cochannel use within adjacent areas. Thus, we would not anticipate that a railroad operation, perhaps for remote control of locomotives in terminals, will interfere with a nearby manufacturing operation confined to a within-plant safety utilization. In any event, it can be expected that proper coordination of these frequencies, as proposed, will consider the relative locations and the uses to which these frequencies may be put on a shared basis so as to provide for the assignment of frequencies in a manner which would minimize cochannel sharing problems. For these reasons the Commission is not persuaded by the argument presented by NAM. Rather, the Commission finds that adoption of the frequency-sharing proposal will increase efficiency on these land mobile frequencies by permitting accommodation of additional users whose operational requirements may be effectively met.

4. Other comments received in the proceeding suggested modifications of the proposed rules. SIRSA and FIRC proposed that provisions be included for authorization of transmitter power greater than the proposed 1 watt upon a showing of need. However, such a provision would require case-by-case consideration of applications, an administration burden for which we see no valid justification. The power limitation proposed has served to meet Manufacturers Radio Service requirements which should be similar to those in additional services. In any event, it is intended that uses be limited to requirements which can be met with 1 watt power so that the uniform shared use can be optimized. Therefore, this proposal is not being adopted.

5. SIRSA further suggested modification of the proposal for the Special Industrial Radio Service which would confine all communications to the boundaries

of the licensee's immediate facility area. It believes the Commission should maintain a more flexible posture by rewording the proposed rule to allow for operations in any "specifically defined geographic locale." Such language would permit, as an example, furnishing specialized services for an activity which is beyond the licensee's immediate working facility. However, this would render the frequency coordination required for shared use of these frequencies considerably more difficult. Moreover, this limitation, which exists also in the Manufacturers Radio Service, is consistent with operation generally authorized in these services. Therefore, we are retaining the requirement in this regard as proposed.

6. FIRC asks that information be furnished as to audio tones presently in use by Manufacturers Radio Service licensees and those desired by future applicants. We believe that this information will be valuable, especially to frequency coordinating committees which have to take these parameters into consideration. No amendment of the rules is necessary, however, since coordinators may require such audio tone information from new applicants and upon license modifications. For existing licensees, the information can be requested by the committees as required to complete their records.

7. In its comments, Comex Corp. requested separate frequency allocations for certain nonvoice operations and modification of the Special Industrial Radio Service eligibility requirements. The former request appears unnecessary in light of the Commission's views, expressed earlier, regarding the compatibility of the proposed operations. The latter request clearly lies beyond the scope of this rule making proceeding.

8. In view of the foregoing, the Commission finds adoption of the rule amendments as proposed will serve the public interest and contribute to the efficiency and effectiveness in land mobile radio operation. Therefore, the proposed rule amendments set forth in the notice of proposed rule making appendix, extending the availability of the 10 channels in the 72–76 MHz band to licensees in the Railroad and Special Industrial Radio Services, are being adopted without modification as set forth below.

9. Accordingly, pursuant to authority contained in section 4(i) and 303 of the Communications Act of 1934, as amended: *It is ordered*, That effective June 23, 1972, Parts 2, 91, and 93 of the Commission's rules are amended as shown below. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

Adopted: May 10, 1972.

Released: May 12, 1972.

[1] Commissioner Johnson concurring in the result.

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

I. Part 2 of the Commission's rules is amended as follows:

1. In § 2.106, Footnote NG49 is amended to read as follows:

§ 2.106 Table of frequency allocations.

* * * * *

NG49 The following frequencies may be authorized for low-powered (1 watt input) mobile operations in the radio services shown subject to the condition that no interference is caused to the reception of television stations operating on channels 4 and 5:

MANUFACTURERS RADIO SERVICE

MHz	MHz	MHz	MHz
72.02	72.12	72.22	72.32
72.04	72.14	72.24	72.34
72.06	72.16	72.26	72.36
72.08	72.18	72.28	72.38
72.10	72.20	72.30	72.40

SPECIAL INDUSTRIAL RADIO SERVICE, MANUFACTURERS RADIO SERVICE, RAILROAD RADIO SERVICE

MHz	MHz	MHz	MHz
72.44	72.56	75.48	75.56
72.48	72.60	75.52	75.60
72.52	75.44		

* * * * *

PART 91—INDUSTRIAL RADIO SERVICES

II. Part 91 of the Commission's rules is amended as follows:

1. In § 91.8, paragraph (a)(1)(iii) is amended to read as follows:

§ 91.8 Policy governing the assignment of frequencies.

(a) * * *

(1) * * *

(iii) Any application involving a frequency in the 72–76 MHz band for operational fixed station installation.

* * * * *

2. In § 91.503, paragraph (b) is added to read as follows:

§ 91.503 Station limitations.

* * * * *

(b) Mobile stations proposed to be operated on frequencies within the 72 and 75 MHz bands will be authorized subject to the following conditions:

(1) Authorization for multiple frequency operations will be granted notwithstanding the provisions of § 91.8(c).

(2) All communications must be conducted within the boundaries or confines of plant, factory, shipyard, mill, mine, farm, ranch, or construction area.

(3) All operation on frequencies in the 72 and 75 MHz bands is subject to the condition that no interference is caused to the reception of television stations operating on channels 4 or 5. Interference will be considered to occur whenever reception of a regularly used television signal is impaired by signals radiated by stations operating under these rules in the 72 and 75 MHz bands, regardless of the quality of such reception or the strength of the signal so used. In order to minimize the hazard of such interference, it shall be the duty of the licensee to determine whether interference is being caused to television reception, wherever television receivers other than those under the control of the licensee, are located within 100 feet of any point where the stations licensed under these rules may be operated. In any case, it shall be the responsibility of the licensee to correct at its own expense, any such interference and if the interference cannot be eliminated by the application of suitable techniques, the operation of the offending transmitter shall be suspended. If the complainant refuses to permit the licensee to apply remedial techniques which demonstrably will eliminate the interference without impairment of the original reception, the licensee is absolved of further responsibility.

* * * * *

3. In § 91.504(a), the table is amended; in paragraph (b) subparagraphs (32) and (33) are added to read as follows:

§ 91.504 Frequencies available.

(a) * * *

SPECIAL INDUSTRIAL RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	General reference	Limitations
* * *	* * *	* * *	* * *
72.44	Mobile	72 MHz mobile	30, 31 3
72.46	Operational fixed	72 MHz fixed	30, 31
72.48	Mobile	72 MHz mobile	3
72.50	Operational fixed	72 MHz fixed	30, 31
72.52	Mobile	72 MHz mobile	3
72.54	Operational fixed	72 MHz fixed	30, 31
72.56	Mobile	72 MHz mobile	3
72.58	Operational fixed	72 MHz fixed	30, 31
72.60	Mobile	72 MHz mobile	3
72.62	Operational fixed	72 MHz fixed	
* * *	* * *	* * *	* * *
75.42	Operational fixed	75 MHz fixed	3 30, 31
75.44	Mobile	75 MHz mobile	3
75.46	Operational fixed	75 MHz fixed	30, 31
75.48	Mobile	75 MHz mobile	3
75.50	Operational fixed	75 MHz fixed	30, 31
75.52	Mobile	75 MHz mobile	3
75.54	Operational fixed	75 MHz fixed	30, 31
75.56	Mobile	75 MHz mobile	3
75.58	Operational fixed	75 MHz fixed	30, 31
75.60	Mobile	75 MHz mobile	3
75.62	Operational fixed	75 MHz fixed	
* * *	* * *	* * *	* * *

(b) * * *

(32) This frequency is available on a shared basis in the Manufacturers' Special Industrial, and Railroad Radio Services. Applications for the assignment of a new frequency or to change the area of operation of an existing station shall be accompanied by evidence of frequency coordination between all of the services sharing the frequency.

(33) The maximum transmitter final amplifier plate input power that will be authorized is 1 watt; and each station authorized will be classified and licensed as a mobile station. Any units of such a station, however, may be used to provide the operational functions of a base or fixed station. The antennas of transmitters operating on this frequency must be directly mounted or installed upon the transmitting unit: *Provided, however,* That when permanently installed aboard a vehicle, antenna and transmitter may be separated as required for convenience in mounting. Horizontal polarization will not be allowed; and the gain of antennas employed shall not exceed that of a half-wave dipole. The maximum bandwidth that will be authorized is 20 kHz. This frequency is available for voice or tone control transmissions, and subject to the condition that interference will not be caused to the reception of television channels 4 or 5. No protection from television interference will be afforded licensees operating on this frequency.

* * * * *

4. In § 91.730(a) the table is amended, and paragraph (b) (21) is added to read as follows:

§ 91.730 Frequencies available.

(a) * * *

MANUFACTURERS RADIO SERVICE FREQUENCY TABLE

Frequency	Class of station(s)	Limitations
* * *	* * *	* * *
72.44	Mobile	8, 19
72.48	do	8, 19
72.52	do	8, 19
72.56	do	8, 19
72.60	do	8, 19
75.44	do	8, 19
75.48	do	8, 19
75.52	do	8, 19
75.56	do	8, 19
75.60	do	8, 19
* * *	* * *	* * *

(b) * * *

(21) This frequency is available on a shared basis in the Manufacturers, Special Industrial and Railroad Radio Services. Applications for the assignment of a new frequency or to change the area of operation of an existing station shall be accompanied by evidence of frequency coordination between all of the services sharing the frequency.

PART 93—LAND TRANSPORTATION RADIO SERVICES

III. Part 93 of the Commission's rules is amended as follows:

1. In § 93.352 a new paragraph (b) is added to read as follows:

§ 93.352 Frequencies below 952 MHz available for base and mobile stations.

* * * * *

(b) Subject to the condition that no harmful interference will be caused to reception of television channels 4 or 5, the following frequencies are available for assignment to mobile stations in the Railroad Radio Service on a shared basis with stations in the Manufacturers Radio Service and the Special Industrial Radio Service:

(MHz)	(MHz)
72.44	75.44
72.48	75.48
72.52	75.52
72.56	75.56
72.60	75.60

Mobile stations proposed to be operated on these frequencies will be authorized subject to the following conditions:

(1) All communications must be conducted within the boundaries and confines of railroad terminals and yards.

(2) All operation on frequencies in the 72 and 75 MHz bands is subject to the condition that no interference is caused to the reception of television stations operating on channels 4 and 5. Interference will be considered to occur whenever reception of a regularly used television signal is impaired by signals radiated by stations operating under these rules in the 72 and 75 MHz bands, regardless of the quality of such reception or the strength of the signal so used. In order to minimize the hazard of such interference, it shall be the duty of the licensee to determine whether interference is being caused to television reception wherever television receivers other than those under the control of the licensee, are located within 100 feet of any point where the stations licensed under these rules may be operated. In any case, it shall be the responsibility of the licensee to correct at its own expense, any such interference and if the interference cannot be eliminated by the application of suitable techniques, the operation of the offending transmitter shall be suspended. If the complainant refuses to permit the licensee to apply remedial techniques which demonstrably will eliminate the interference without impairment of the original reception, the licensee is absolved of further responsibility.

(3) Applications for use of any of the frequencies must be accompanied by evidence of frequency coordination among all of the services sharing the frequency.

(4) The maximum transmitter final amplifier plate input power that will be authorized is 1 watt; and each station authorized will be classified and licensed as a mobile station. Any units of such a station, however, may be used to provide the operational functions of a base or fixed station. The antennas of transmitters operating on this frequency must be directly mounted or installed upon the transmitting unit: *Provided, however,* That when permanently installed aboard a vehicle, antenna and transmitter may be separated as required for convenience in mounting. Horizontal polarization will not be allowed; and the gain of antennas employed shall not exceed that of a half-wave dipole. The maximum bandwidth that will be authorized is 20 kHz. This frequency is available for voice or tone control transmissions and subject to the condition that interference will not be caused to the reception of television channels 4 or 5. No protection from television interference will be afforded licensees operating on this frequency.

* * * * *

[FR Doc.72-7568 Filed 5-17-72;8:51 am]

[Docket No. 19161; FCC 72-411]

PART 73—RADIO BROADCAST SERVICES

FM Table of Assignments in Certain States

Third report and order. In the matter of amendment of § 73.202(b) of the Commission's rules, the FM *Table of Assignments.* (West Allis, Berlin, Hartford, Neenah-Menasha, Shawano, Watertown, and Waupun, Wis., and Escanaba, Mich.; Coal City, Dwight, or Marseilles, Ill.; St. Charles and St. Louis, Mo.; Muncie, Ind.; and Celina, Fostoria, and Lima, Ohio; Anamosa and Iowa City, Iowa; Terrell and Corsicana, Tex.; Sullivan, Bedford, and Paoli, Ind.; Orangeburg, S.C.; Danville, Ind.; Decatur or Paris, Ill.; Manning and Kingstree, S.C.), Docket No. 19161, RM-1476, RM-1489, RM-1523, RM-1524, RM-1528, RM-1540, RM-1552, RM-1554, RM-1559, RM-1561, RM-1563, RM-1566, RM-1571, RM-1626, RM-1660.

1. The Commission has before it a timely filed petition for reconsideration presented by Vivid Music Enterprises (Vivid Music) on November 5, 1971, an opposition filed by Communicators, Inc. (Communicators), and a reply to the opposition filed by petitioner. The petition requests a reversal of our first report and order in this docket (Docket No. 19161) insofar as it deals with RM-1540 (adopted October 28, 1971, released November 1, 1971, FCC 71-1115). In that action we withdrew the proposal (originally petitioned for by Vivid Music on December 1, 1969) to assign FM Channel 232A to Anamosa, Iowa and to make the necessary replacement of Channel 228A for Channel 230C at Iowa City, Iowa.

PROCEDURAL MATTERS

2. Our first report and order withdrew petitioner's proposed FM reallocations on two grounds: First, because petitioner did not file any comment in response to our notice in this proceeding. Our notice expressly requested that all petitioners file supporting comments to acknowledge their continued interest. Interested parties were made aware of the fact that if supporting comments were not filed their proposals might be denied. Second, from the information which was before us (only opposition from Communicators) it appeared that denial of the proposal might serve the

public interest by immediately meeting the needs of Iowa for more first and second service to substantial areas.

3. The petition for reconsideration, which was timely filed, sets forth three reasons for its adoption: First, it maintains that petitioner did not have the benefit of an attorney until its proposal was denied in our first report and order. Second, it maintains that Vivid Music was unaware of the requirement of reaffirming its interest after our notice was adopted and released, i.e., it did not know that a comment was required to be filed. Third, that the core question before us is not the matter of individual rights or obligations but is instead, the question of what action would best serve the public interest with respect to the FM allocations in question.

4. Communicators' entire opposition to the petition for reconsideration (except for one minor thought[1]) is based on the failure of Vivid Music to file the requested comment. It points out that petitioner had notice of the requirement both in Commission releases and by airmail service from Communicators. It asks that we strictly observe our procedural policies.

5. In examining these contentions we must agree that Vivid Music has "slept" on its private rights. Certainly, a reading of our notice should have made it clear to petitioner that a reaffirmation of its interest was requested by the Commission. Failure to carefully observe Commission policies does delay, and interfere with, our processes. On the other hand, we must consider the facts: That Vivid Music's petition for reconsideration was timely filed, that it can legitimately have its proposal reconsidered by filing it in connection with RM–1823 (see footnote 2 below) and that it is correct when it states the key issue before the Commission is not the adjudication of private rights, but is instead, the duty of discovering what action would best meet the Commission's responsibility to carry out the public interest by making a fair, efficient, and equitable distribution of radio frequencies among the various communities and States. Although we judge that our action withdrawing Vivid Music's proposal, taken in our first report and order, was appropriate in light of the facts then before us, we now come to the decision, in view of the new facts that are presently before us (petitioner's clear interest and the possibility of a better ultimate reallocation of FM radio frequencies in Iowa) that the public interest requires a reexamination and consideration of Vivid Music's proposal to assign Channel 232A to Anamosa, Iowa, and to make the substitution of Channel 228A for Channel 230C, required by the Anamosa assignment, at Iowa City, Iowa.[2]

PETITIONER'S REALLOCATION PROPOSAL ON ITS MERITS

6. Anamosa, Iowa, is the county seat of, and largest community in, Jones County—respective populations in 1960, 4,616 and 20,693; respective 1970 populations, 4,389 and 19,868. Anamosa has no FM assignment nor does it or its county have any FM or standard broadcast station located in them. Iowa City, Iowa, is located in Johnson County—respective 1960 populations, 33,443 and 53,663; respective 1970 populations, 46,850 and 72,127. At the present time Iowa City has assigned to it two commercial FM channels, Channel 230C (for which Communicators has filed an application on February 18, 1972, BPH–7769 and Channel 264C (KXIC–FM, licensed to Johnson County Broadcasting Corp.). A third Class C educational operation broadcasts on Channel 219 (KSUI, licensed to the State University of Iowa). The community has two standard broadcast stations; KXIC (a daytime-only operation, licensed to Johnson County Broadcasting Corp.) and WSUI (an unlimited time operation, licensed to the State University of Iowa).

7. Petitioner's argument for the assignment of a first local FM channel to Anamosa and Jones County is simple and direct. It heavily relies on the fact that there is no local broadcast service of any kind in Anamosa or Jones County. Vivid Music believes that it is particularly important that Anamosa, the county seat of Jones County, have a first local voice to serve the community and county. Inherent in its argument are the beliefs that such a first local means of expression could act as a means of communication which would assist the area by providing the distribution of local information, news and entertainment and that its proposal assigning Channel 232A to Anamosa does not reduce the number of appropriate broadcast facilities at Iowa City. Although Channel 230C must be removed from Iowa City to assign Channel 232A to Anamosa, Iowa City will have the same number of broadcast facilities with the assignment of Channel 228A to that community. The record in its entirety indicates that it is petitioner's view that Channel 228A (although a limited coverage service) can adequately serve all of the citizens in Iowa City and its surrounding environs.

8. Communicators advances its belief that petitioner's proposal to assign Channel 232A to Anamosa by replacing Channel 230C in Iowa City with Channel 228A should be denied by discussing basically three topics. First, Communicators does make a strong showing that Iowa City is a growing and developing community. It lists a number of new and expanding commercial enterprises in the city, the developments of several new shopping centers and the growth of the academic community at Iowa City. The fact that Iowa City is located near the intersections of Interstate 80, a major east-west link in the national highway system and Interstate 380, a north-south link, is also pointed out. It refers to the population figures for Iowa City and Anamosa cited above in paragraph 6 and concludes from them that while Iowa City is a growing community Anamosa and Jones County are declining in population. Communicators also reviews the local broadcast facilities in Iowa City in light of the size of the city and concludes that the community is underserved.[3] For aural facilities located in Iowa City see paragraph 6 above. Second, Communicators indicates that if Vivid Music's proposal is adopted Iowa City would have a Class A FM service on Channel 228A[4] in competition with the wide coverage services on Channel 264C (commercial) and Channel 219C (educational). It maintains that this mixture of Class A and Class C FM Channels would make the Class A assignment economically weak. Communicators' view is that, in order for a new service to be implemented at Iowa City, it is necessary for that service to be a Class C regional FM operation. Third and last, Communicators advances the thought that its approach to FM allocations, i.e., the retention of Channel 230C at Iowa City as opposed to the assignment of

[1] Both Communicators and Vivid Music list actions that they have taken in connection with their interest in establishing their hoped for stations. Their statements suggest that their expenses and efforts should be considered in this proceeding. Sec. 319 of the Communications Act of 1934, as amended, has been interpreted to specifically ban any such consideration by this Commission. Indeed, no private property rights of any kind vest in a radio frequency. See sec. 301 of the Communications Act. We have often required FM licensees to shift their operations for the purpose of making a more fair, efficient and equitable distribution of FM radio channels.

[2] In RM–1823 (a petition filed by Big Country Broadcasting Corp. on June 16, 1971) the Commission is requested to consider the proposed reassignment of Channel 230C from Iowa City, Iowa, to Burlington, Iowa. This proposal is completely consistent with Vivid Music's proposal in that the assignment of Channel 228A at Iowa City will permit the use of Channel 230C approximately 4 miles southeast of Burlington, Iowa. Burlington, Iowa, which is slightly smaller than Iowa City, Iowa, has a 1970 population of 32,366. Its county's (Des Moines) 1970 population is 46,982. Burlington's only FM assignment at the present time is Channel 297C which is occupied. The community has two standard broadcast stations; one unlimited time, and one daytime-only, operation.

RM–1823, we must acknowledge, is not properly before us for resolution in this proceeding in light of the cutoff procedure announced in paragraph 23 of the notice of proposed rule making in this docket, adopted February 24, 1971, released Mar. 1, 1971, FCC 71–192. We must, however, take judicial notice of its pendency.

[3] The pleadings in this proceeding refer on occasion to nonlocal service both Iowa City and Anamosa receive from distant stations. They both receive several signals from other communities. Our major concern, we must point out, is in the development and/or retention of local service, in this proceeding. Local service is unique in that it more effectively adds to the development of a community through the provision of information, news and entertainment related to the citizens of any one community.

[4] Communicators asserts in the pleadings that at this time it, as a corporate entity, would have no interest in activating a Class A assignment at Iowa City.

Channel 228A at Iowa City and Channel 232A at Anamosa, is most desirable by stating:

> Even considering Class A FM stations in both Iowa City and Anamosa as proposed by petitioner, the combined white (20 square miles; 471 persons) and gray (186 square miles; 5,951 persons) areas served by the two Class A stations will not be as great as the white (1,014 square miles; 25,739 persons) and gray (508 square miles; 8,356 persons) area served by a Communicators, Inc., Class C FM facility operation on Channel 230C in Iowa City.

9. With respect to Communicators' first point, it appears to be clear that Iowa City is a growing and developing community and that Anamosa has had a slight decline in its population. Statements in the pleadings when analyzed along with U.S. census figures seem to conclusively confirm this view of Communicators. This fact clearly suggests that it would not be in the public interest to decrease the number of local radio services presently a possibility at Iowa City. We must point out that petitioner in no way wishes any action which would decrease the number of aural facilities locally available in Iowa City. Vivid Music's proposal is to provide Iowa City with a potential for a Class A local service in place of a potential for a Class C regional service. There seems to be little question that Iowa City proper and its environs can get a suitable new service on a Class A channel which is the key question before us at this time in our discussion. A Class A service on Channel 228 could easily reach the citizens of metropolitan Iowa City and provide a local variety of news, music, and entertainment. The adoption of Vivid Music's proposal, we acknowledge, would prevent a new regional voice being located at Iowa City however, we must note that the regional voice to be lost to Iowa City on Channel 230C may very well be provided on that channel elsewhere in Iowa. We have taken judicial notice of one such possibility, RM–1823, see footnote 2 above. While providing for a new local FM service at Iowa City petitioner's proposal would provide Anamosa, Iowa and its county, Jones, with a first local service of any kind. Anamosa and Jones County have had a moderate decline in population. Nonetheless, this does not negate the desirability of providing this area with its first local broadcast service.

10. Communicators suggests that it is important that we observe our general policy of attempting not to intermix Class A and Class C FM channels, at Iowa City. It points out that in its view a Class A service would not be competitive with the Class C service at Iowa City. It is our general belief that it is undesirable to mix classes of FM channels for the reason set forth by Communicators. This policy however has not gone unabridged in those instances where the public interest requires. In the case before us (not considering the possible use of regional Channel 230C in another Iowa community) we have the possibility of providing a first local radio service to a significant community, Anamosa, while not depriving Iowa City of a potential for an additional local service. Although a Class A channel at Iowa City, from a technical view, could not reach as large an audience as a Class C regional service, a Class A operation in the city could reach the citizens of Iowa City and its surroundings, the most densely concentrated portion of the public Communicators wishes to serve (1970 population of Iowa City proper is 46,850).

11. Communicators' third and last argument (set out in paragraph 8 above) is that more first and second service will be provided to the citizens of Iowa by retaining Channel 230C at Iowa City than by replacing it with Channel 228A and assigning Channel 232A to Anamosa. If true, this would be an important consideration, however, it assumes that if Channel 230C is removed from Iowa City it will not be used in another Iowa community. This assumption, of course, is incorrect. For one possible future use of Channel 230C see footnote 2 above. In sum, by adopting petitioner's proposal the public is gaining two Class A assignments: One at Anamosa and the second at Iowa City while not losing the use of Channel 230C elsewhere in Iowa.

12. In view of the foregoing; Vivid Music's arguments, Communicators, arguments, the facts and the analyses, we have come to the judgment that it is in the public interest to adopt Vivid Music's proposal to delete Channel 230C from Iowa City, Iowa, and replace it with Channel 228A[5] and to assign Channel 232A to Anamosa, Iowa.

13. Authority for the actions taken herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

14. *Accordingly, it is ordered,* That effective June 23, 1972, the FM Table of Assignments in § 73.202(b) of the Commission's rules is amended, insofar as the cities listed below are concerned, to read as follows:

City	*Channel No.*
Anamosa, Iowa	232A
Iowa City, Iowa	228A, 264

15. *It is further ordered,* That this proceeding in Docket No. 19161 is terminated insofar as RM–1540 is concerned.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: May 10, 1972.

Released: May 12, 1972.

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

[FR Doc.72–7567 Filed 5–17–72;8:51 am]

[FCC 72–415]

PART 91—INDUSTRIAL RADIO SERVICES

Vehicular Radio Units

Memorandum opinion and order. In the matter of amendment of § 91.554(b) of the Commission's rules to permit use of vehicular radio units operating on frequencies allocated to the central station commercial protection industry as mobile repeaters and to permit use of base stations on those frequencies to transmit to receivers at police and fire stations, RM–1513.

1. The Central Station Electrical Protection Association, the Controlled Companies, American District Telegraph Co., Baker Industries, Inc., and Holmes Electric Protective Co., have filed a petition for amendment of § 91.554 of the Commission's rules, for two purposes. First, they ask for a rule change which would permit persons eligible for the frequencies allocated in the Business Radio Service, for use in the central station commercial protection industry, to use their vehicular radio units as repeaters to relay the transmissions of low-powered, hand-carried radio units to base stations. And second, they request authority to permit base stations to transmit point-to-point to fixed receivers located in police and fire stations.

2. With respect to the petitioners' first request, we believe they have produced persuasive arguments to support their petition, and we will grant it. As petitioners point out, industrial protection licensees operate low power portable units in buildings, and for safety reasons it is often necessary for those units to transmit emergency messages immediately to their headquarters. We recognize that direct communication with the base station from portable hand units is often not possible. Permitting the vehicular units to relay the message will remedy this communications deficiency. Historically, in June of 1968, the Commission amended its rules in the Police Radio Service to enable police vehicles to act as mobile repeaters to relay messages from low-power handheld transceivers. Similar rules were adopted in 1970 to enable firemen at the scene of the fire to do the same thing. (See report and order in Docket 14028, FCC 68–600, 33 F.R. 8598, 13 FCC 2d 166 (1969) and order in RM–1443, FCC 70–232.) As in the above services, the frequencies here involved are not shared by a large number of licensees in the same area so that the interference potential of message relay by vehicular units would not be significant. Accordingly, the rules will be amended to permit this type of operation.

3. However, we have not been persuaded to grant petitioners' request for secondary fixed use of these same frequencies. The petitioners have not established the necessity for allowing the base stations to transmit to fixed receivers located in police and fire stations, nor have they demonstrated that the existing landline facilities are inadequate for this purpose. Furthermore, as the petitioners themselves recognize, the proposed fixed use is contrary to the Commission's well-established policy against point-to-point communication in the 450–470 MHz band in urban areas. And finally, the Commission has received no comments in support of this request from any public safety authority. Accordingly, it will be denied.

4. The Commission is of the opinion that it may adopt the rule amendments

[5] The transmitter site for Channel 228A at Iowa City, Iowa, must be located at least 2 miles east of the city reference point.

which would permit use of vehicular radio units as mobile repeaters without first following the prior notice and procedure prescribed by section 4(a) of the Administrative Procedure Act, 5 U.S.C., section 553. The considerations involved in permitting the use of vehicular radio units as mobile repeaters were explored in the rule making proceeding in Docket 14028 when rules permitting this operation in the Police Radio Service were adopted. Similar provision, as we have said, was later made for the Fire Radio Service. Accordingly, no useful purpose will be served by soliciting further comments on this matter since the considerations are substantially similar. This is especially true in view of the fact that the petitioners represent the vast majority of the users of these frequencies.

5. Accordingly, the petition (RM–1513) is granted to the extent indicated above, and is denied in all other regards. Authority for this rule amendment is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended. *Therefore, it is ordered,* That effective June 23, 1972, § 91.554(b) of the Commission's rules is amended as set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: May 10, 1972.

Released: May 10, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

In § 91.554(b), subparagraphs (32) and (41) are amended to read:

§ 91.554 Frequencies available.

* * * * *

(b) * * *

(32) Within the boundaries of urbanized areas of 200,000 or more population defined in the U.S. Census of Population, 1960, Vol. 1, Table 23, pages 1–50, this frequency may be assigned only to persons rendering a central station commercial protection service. Central station commercial protection service is defined as electrical protection and supervisory services rendered from and by a central station approved by one or more of the recognized rating agencies and/or the Underwriters' Laboratories, Inc. (UL). Mobile stations licensed to operate on the mobile frequency in an assigned pair may be used for the purpose of providing extended talk-back range for low-power portable transmitters. Each mobile station used for the purpose of automatically retransmitting messages originated by or destined for portable units shall be so designed and installed that it would be activated only by means of a continuous tone device, the absence of which will deactivate the transmitter. The continuous tone device is not required when the mobile station is equipped with a switch which must be activated to change the mobile unit to the automatic mode and with an automatic time delay device which will deactivate the transmitter after any uninterrupted period of transmission in excess of 3 minutes.

* * * * *

(41) This frequency may be assigned only to persons rendering a central station commercial protection service. Central station commercial protection service is defined as those electrical protection and supervisory services rendered from and by a central station approved by one or more of the recognized rating agencies and/or the Underwriters' Laboratories, Inc. (UL). Mobile stations licensed to operate on the mobile frequency in an assigned pair may be used for the purpose of providing extended talk-back range for low-powered, portable transmitters. Each mobile station used for the purpose of automatically retransmitting messages originated by or destined for portable units shall be so designed and installed that it would be activated only by means of a continuous tone device, the absence of which will deactivate the transmitter. The continuous tone device is not required when the mobile station is equipped with a switch which must be activated to change the mobile unit to the automatic mode and with an automatic time delay device which will deactivate the transmitter after any uninterrupted period of transmission in excess of 3 minutes.

* * * * *

[FR Doc. 72–7570 Filed 5–17–72;8:51 am]

[1] Commissioners Burch, Chairman; Reid absent; Commissioner Johnson concurring in the result.

Title 50—WILDLIFE AND FISHERIES

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

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Moosehorn National Wildlife Refuge, Maine

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (5–18–72).

§ 28.28 Special regulations; recreation for the individual wildlife refuge areas.

MAINE

MOOSEHORN NATIONAL WILDLIFE REFUGE

Entry on foot or by motor vehicle on designated travel routes is permitted for the purpose of nature study, photography, hiking, and sight-seeing during daylight hours. Pets are allowed if on a leash not over 10 feet in length. Fishing and public hunting may be permitted under special regulations. All persons shall comply with all local, State, and Federal laws, ordinances, and regulations.

The refuge area, comprising approximately 22,500 acres, is delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

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

WILLARD M. SPAULDING, Jr.,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

MAY 9, 1972.

[FR Doc.72–7510 Filed 5–17–72;8:46 am]

Proposed Rule Making

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 520, 570]

WORK EXPERIENCE AND CAREER EXPLORATION PROGRAMS

Proposed Extension of Programs in States Where Such Programs Have Been Approved

Notice is hereby given that the Wage and Hour Division is considering the limited extension of the work experience and career exploration programs, now scheduled to terminate August 31, 1972, for another year in those States now having such programs in operation. Evaluation of the 1971–72 school year programs will not be completed until December 1972, or later; and where such programs have been set up and funded, it is desirable that such programs be continued. Before the end of the 1972–73 school year our evaluation will be complete and the Department will then be in a position to determine whether and the extent to which modification of certain provisions of the child labor standards applicable to the employment of minors in such programs would be appropriate. It is also proposed to extend the authority to issue subminimum wage certificates in connection with such programs if the programs are extended.

Interested persons are invited to submit written comments, suggestions, or arguments regarding the proposed revision to the undersigned within 30 days after publication of this notice in the FEDERAL REGISTER.

It is accordingly proposed to amend Title 29 of the Code of Federal Regulations as follows:

1. Paragraph (b) of § 520.12 is proposed to be revised to read as follows:

§ 520.12 Work experience and career exploration programs.

* * * * *

(b) This section shall terminate and have no force and effect after August 31, 1973.

2. Paragraph (e) of § 570.35a is proposed to be revised to read as follows:

§ 570.35a Work experience and career exploration programs.

* * * * *

(e) This section shall terminate and have no force and effect after August 31, 1972, except that States operating approved work experience and career exploration programs may continue to operate programs in their States until August 31, 1973.

Signed at Washington, D.C., this 9th day of May 1972.

HORACE E. MENASCO,
Deputy Assistant Secretary for Employment Standards and Administrator of the Wage and Hour Division.

[FR Doc.72-7513 Filed 5-17-72;8:49 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 3, 121, 122, 128]

POLYCHLORINATED BIPHENYLS

Extension of Time for Filing Comments

The proposed regulations regarding polychlorinated biphenyls (PCB's) in animal feed, food, and food-packaging materials (21 CFR Parts 3, 121, 122, 128), published in the FEDERAL REGISTER of March 18, 1972 (37 F.R. 5705), provided for the filing of comments thereon within 60 days after date of publication.

The Commissioner of Food and Drugs has received requests for an extension of such time and, good reason therefor appearing, the time for filing comments on the subject proposal is extended to July 16, 1972.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 402(a), 406, 409, 701, 52 Stat. 1046 as amended, 1049, 1055–56 as amended by 70 Stat. 919 and 72 Stat. 948, 72 Stat. 1785–88 as amended; 21 U.S.C. 342(a), 346, 348, 371) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: May 11, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-7509 Filed 5-17-72;8:49 am]

Social and Rehabilitation Service

[45 CFR Parts 233, 248]

PUBLIC ASSISTANCE PROGRAMS

Determination of Disability

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations would amend current policies pertaining to the program of Aid to the Permanently and Totally Disabled authorized under titles XIV and XVI, and the program of Medical Assistance authorized under title XIX, of the Social Security Act to:

1. Extend Federal matching to cases where States measure disability solely against the individual's capacity to engage in paid employment or self-employment, without considering also the individual's capacity to keep house and care for others;

2. Permit the use, on the State review team, of persons of other disciplines, instead of or in addition to a social worker;

3. Allow for the use of other appropriate documents in lieu of a current medical report;

4. Provide that States with definitions of disability not narrower than the definition under title II of the Social Security Act may accept, as evidence of disability, a certification of current eligibility for disability benefits under title II;

5. Provide that States may contract to have disability determined by the State vocational rehabilitation agency, or by another agency that makes disability determinations under title II of the Act.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, DC 20201, within a period of 30 days from date of publication of this notice in the FEDERAL REGISTER. Comments received will be available for public inspection in Room 5121 of the Department's offices at 301 C Street SW., Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (202—963–7361).

The provisions of these sections are to be issued under section 1102, 49 Stat. 647, 42 U.S.C. 1302.

Dated: April 25, 1972.

JOHN D. TWINAME,
Administrator, Social and Rehabilitation Service.

Approved: May 10, 1972.

ELLIOT L. RICHARDSON,
Secretary.

1. Section 233.80 of Part 233 of Chapter II of Title 45 of the Code of Federal Regulations is revised to read as set forth below:

§ 233.80 Disability.

(a) *State plan requirements and options.* (1) A State plan under title XIV or XVI of the Social Security Act must:

(i) Contain a definition of permanently and totally disabled, showing that:

(*a*) "Permanently" is related to the duration of the impairment or combination of impairments; and

(*b*) "Totally" is related to the degree of disability.

The following definition is recommended: "Permanently and totally disabled" means that the individual has a permanent physical or mental impairment, disease, or loss, or combination thereof, that substantially precludes him from engaging in a gainful occupation, including self-employment, which is within his competence in the light of his age, education, and previous work experience. Under the recommended definition:

"Permanently" refers to a condition which is not likely to improve with current medical knowledge; it may be a condition which is not likely to respond to any known therapeutic procedures, or a condition which is likely to remain static or to become worse unless certain therapeutic measures are carried out, where treatment is unavailable, inadvisable, or is refused by the individual on a reasonable basis; "permanently" does not rule out the possibility of vocational rehabilitation or even possible recovery in light of future medical advances or changed prognosis; in this sense the term refers to a condition which continues indefinitely, as distinct from one which is temporary or transient;

"Totally" involves considerations in addition to those verified through the medical findings, such as age, training, skills, and work experience, and the probable functioning of the individual in his particular situation in light of his impairment; an individual's disability would be tested in relation to ability to engage in remunerative employment; eligibility may continue, even after a period of rehabilitation and readjustment, if the individual's work capacity is still very considerably limited (in comparison with that of a normal person) in terms of such factors as the speed with which he can work, the amount he can produce in a given period of time, and the number of hours he is able to work.

(ii) Provide for the review of each medical report and social history by technically competent persons, either by employing staff—not less than a physician, plus a social worker and/or persons of other disciplines who are qualified by training and experience to evaluate the social factors in disability—who, acting cooperatively, are responsible for the agency's decision that the applicant does or does not meet the State's definition of permanent and total disability; or by contracting with the State vocational rehabilitation agency, or another agency that makes disability determinations under title II of the Act, for use of such staff and for certification to the single State agency that the applicant does or does not meet the State's definition of permanent and total disability. Under either of these options:

(*a*) The medical report must include a substantiated diagnosis, showing that a permanent impairment exists, based either on existing medical evidence or upon a current medical examination or other reliable documented evidence, such as institutional or school records or psychologists' reports;

(*b*) The social history must contain sufficient information to make it possible to relate the medical findings to the individual's capacity to engage in a gainful occupation, including self-employment, and to determine whether he is totally disabled; and

(*c*) The review physician is responsible for setting dates for reexamination; the review team is responsible for reviewing reexamination reports in conjunction with the social data, to determine whether disabled recipients whose health condition may improve continue to meet the State's definition of permanent and total disability.

(iii) If disability determinations are made by the State vocational rehabilitation agency, provide that the single State agency will accept such determinations as a basis for case action and will review a sample of these determinations in accordance with guidelines issued by SRS.

(iv) Provide for cooperative arrangements with related programs, such as vocational rehabilitation services.

(2) If the State's definition is at least as broad as the definition of disability under title II of the Act, the State plan may provide for accepting, as proof of permanent and total disability, a certification from the Social Security Administration, the State Vocational Rehabilitation agency or another appropriate agency that the individual is "under a disability" for title II purposes. In such cases, the procedures described in subparagraph (1)(ii) of this paragraph need not be carried out.

(b) *Federal financial participation*—(1) *Assistance payments.* Federal financial participation is available in payments to or in behalf of any otherwise eligible individual who is permanently and totally disabled. Permanent and total disability may be considered as continuing until the single State agency establishes the fact that the recipient's disability is no longer within the State's definition of permanent and total disability.

(2) *Administrative expenses.* Federal financial participation at the 50 percent rate is available in any expenditures incident to the determination of whether an individual is permanently and totally disabled, including expenditures for medical examinations and psychological or other tests, and payment to the State vocational rehabilitation agency under a contract such as is described under paragraph (a)(1)(ii) of this section.

2. Section 248.80 of Part 248 of Chapter II of Title 45 of the Code of Federal Regulations is revised to read as set forth below:

§ 248.80 Disability.

(a) *State plan requirements and options.* (1) A State plan under title XIV or XVI of the Social Security Act must:

(i) Contain a definition of permanently and totally disabled, showing that:

(*a*) "Permanently" is related to the duration of the impairment or combination of impairments; and

(*b*) "Totally" is related to the degree of disability.

The following definition is recommended: "Permanently and totally disabled" means that the individual has a permanent physical or mental impairment, disease, or loss, or combination thereof, that substantially precludes him from engaging in a gainful occupation, including self-employment, which is within his competence in the light of his age, education, and previous work experience. Under the recommended definition:

"Permanently" refers to a condition which is not likely to improve with current medical knowledge; it may be a condition which is not likely to respond to any known therapeutic procedures, or a condition which is likely to remain static or to become worse unless certain therapeutic measures are carried out, where treatment is unavailable, inadvisable, or is refused by the individual on a reasonable basis; "permanently" does not rule out the possibility of vocational rehabilitation or even possible recovery in light of future medical advances or changed prognosis; in this sense the term refers to a condition which continues indefinitely, as distinct from one which is temporary or transient;

"Totally" involves considerations in addition to those verified through the medical findings, such as age, training, skills, and work experience, and the probable functioning of the individual in his particular situation in light of his impairment; an individual's disability would be tested in relation to ability to engage in remunerative employment; eligibility may continue, even after a period of rehabilitation and readjustment, if the individual's work capacity is still very considerably limited (in comparison with that of a normal person) in terms of such factors as the speed with which he can work, the amount he can produce in a given period of time, and the number of hours he is able to work.

(ii) Provide for the review of each medical report and social history by technically competent persons, either by employing staff—not less than a physician, plus a social worker and/or persons of other disciplines who are qualified by training and experience to evaluate the social factors in disability—who, acting cooperatively, are responsible for the agency's decision that the applicant does or does not meet the State's definition of permanent and total disability; or by contracting with the State vocational rehabilitation agency, or another agency that makes disability determinations under title II of the Act, for use of such staff and for certification to the single State agency that the applicant does or does not meet the State's definition of permanent and total disability. Under either of these options:

(*a*) The medical report must include a substantiated diagnosis, showing that a permanent impairment exists, based either on existing medical evidence or upon a current medical examination or other reliable documented evidence, such as institutional or school records or psychologists' reports;

(*b*) The social history must contain sufficient information to make it possible to relate the medical findings to the individual's capacity to engage in a gainful occupation, including self-employment, and to determine whether he is totally disabled; and

(*c*) The review physician is responsible for setting dates for reexamination; the review team is responsible for reviewing reexamination reports in conjunction with the social data, to determine whether disabled recipients whose health condition may improve, continue to meet

the State's definition of permanent and total disability.

(iii) If disability determinations are made by the State vocational rehabilitation agency, provide that the single State agency will accept such determinations as a basis for case action and will review a sample of these determinations in accordance with guidelines issued by SRS.

(iv) Provide for cooperative arrangements with related programs, such as vocational rehabilitation services.

(2) If the State's definition is at least as broad as the definition of disability under title II of the Act, the State plan may provide for accepting, as proof of permanent and total disability, a certification from the Social Security Administration, the State Vocational Rehabilitation agency or another appropriate agency that the individual is "under a disability" for title II purposes. In such cases, the procedures described in subparagraph (1) (ii) of this paragraph need not be carried out.

(b) *Federal financial participation*—(1) *Assistance payments.* Federal financial participation is available in payments to or in behalf of any otherwise eligible individual who is permanently and totally disabled. Permanent and total disability may be considered as continuing until the single State agency establishes the fact that the recipient's disability is no longer within the State's definition of permanent and total disability.

(2) *Administrative expenses.* Federal financial participation at the 50 percent rate is available in any expenditures incident to the determination of whether an individual is permanently and totally disabled, including expenditures for medical examinations and psychological or other tests, and payment to the State vocational rehabilitation agency under a contract such as is described under paragraph (a) (1) (ii) of this section.

[FR Doc. 72-7560 Filed 5-17-72;8:50 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-GL-24]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Toledo, Ohio.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed 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, 2300 East Devon Avenue, Des Plaines, IL 60018.

The transition area designations in the Toledo, Ohio, area are contained in four citations, Toledo, Waterville, Wauseon, Ohio, and Lambertville, Mich. The airspace described in these designations overlie each other and the resultant transition area is very difficult to determine by pilots and controllers. Because of a change in airspace designation criteria since the Waterville transition area was designated, the transition area around the Toledo Municipal Airport and the University Airport has to be increased 1 mile in radius and the extensions widened and lengthened. In place of this action, we propose to combine the four citations into one which will contain the transition area necessary to protect the instrument approach procedures to the four airports. This will simplify the charting of this area.

Some additional transition area will be required for this proposal but we believe the charting simplification will be advantageous to all concerned.

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

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

TOLEDO, OHIO

That airspace extending upward from 700 feet above the surface within the area bounded by a line beginning at latitude 41°40'00" N., longitude 84°20'00" W.; to latitude 41°49'00" N., longitude 83°37'00" W.; to latitude 41°34'00" N., longitude 83°19'00" W.; to latitude 41°17'00" N., longitude 83°36'00" W.; to latitude 41°22'00" N., longitude 84°05'00" W.; to point of beginning.

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

Waterville, Ohio. Lambertville, Mich.
Wauseon, Ohio.

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

Issued in Des Plaines, Ill., on May 2, 1972.

LYLE K. BROWN,
Director, Great Lakes Region.

[FR Doc.72-7531 Filed 5-17-72;8:47 am]

[14 CFR Part 91]

[Docket No. 11934; Notice 72-13]

HELICOPTERS AT HELIPORTS OVER WATER

Proposed Civil Aircraft Operating Limitations and Marking Requirements

The Federal Aviation Administration is considering amending Part 91 of the Federal Aviation Regulations to permit helicopters to make transient flights through the prohibited range of the limiting height-speed envelope when taking off or landing at certain heliports constructed over water, described herein as offshore landing decks, under certain prescribed conditions.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, DC 20591. All communications received on or before July 17, 1972, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Under current Part 91 regulations, each person operating a civil aircraft is required to comply with the operating limitations for that aircraft prescribed by the certificating authority of the country of registry. With regard to rotorcraft, each person seeking type certification for a helicopter certificated in accordance with the airworthiness standards for transport category rotorcraft in Part 29, must establish for the helicopter what is known as a limiting height-speed envelope. This envelope shows the range of heights and its variation with forward speed within which safe landing demonstrations were not made following simulated power failure during the type certification flight tests. Factors other than height and speed combinations can play a part in the establishment of the range within which operation is prohibited. One of these factors is the kind of landing surface available at the time of power failure.

In recent months the FAA has conducted a comprehensive analysis of the facts and circumstances relative to helicopter operations to and from offshore oil rigs that are equipped with landing decks. These decks provide a landing area of insufficient size to permit the safe deceleration and landing thereon without infringing on the limiting height-speed envelope. To overcome this obstacle, helicopter operators who land on offshore landing decks developed a new approach to the landing deck known as a high-angle approach. That approach involves

a controlled descent to the landing deck using a higher than normal approach power and a higher than normal angle of approach. During the high-angle approach the aircraft moves through the restricted range of the height-speed envelope momentarily, then reenters the unrestricted range before landing. Also, quite often during takeoff, the aircraft is unable to accelerate within the confines of the landing deck to the required speed to avoid the prohibited range of the limiting height-speed envelope and, as a result, momentarily passes through the prohibited range. Experience indicates a very low probability of power failure during the period of time the aircraft passes through the restricted range of the height-speed envelope, since the critical stage of the take off or approach consists of a very short segment of time.

Should a combination of factors occur during transit of the restricted range of the height-speed envelope creating a hazardous flight condition, the height of the landing deck above the surface of the water would provide sufficient additional altitude to effect a recovery even though a landing on the water would be required. In such cases, we believe a safe emergency ditching can be made if the helicopter is amphibious or is equipped with adequate flotation gear.

In the light of these circumstances, the FAA has granted exemptions from § 91.-31(a) to permit several companies which operate helicopters at offshore oil rigs to make transient flights through the prohibited range of the limiting height-speed envelope established for the aircraft they operate, provided that the aircraft were amphibious or equipped with emergency flotation gear.

For these reasons, and based on the experience gained under the exemptions granted, the FAA believes that the operations discussed herein can be conducted at an appropriate level of safety and, therefore, proposes to amend the regulations to permit such transient flights through the limiting height-speed envelope under certain specified conditions.

The heliports to which this amendment to § 91.31 will apply, described as offshore landing decks, may be constructed over any body of water; however, as stated in new paragraph (d), the transient flight through the prohibited range must occur while the helicopter is over water on which a safe ditching can be accomplished in the event that an engine failure does occur.

In consideration of the foregoing, it is proposed to amend § 91.31 of Part 91 of the Federal Aviation Regulations by amending paragraph (a) and adding a new paragraph (d) to read as follows:

§ 91.31 Civil aircraft operating limitations and marking requirements.

(a) *General.* Except as provided in paragraph (d) of this section, no person may operate a civil aircraft without compliance with the operating limitations for that aircraft prescribed by the certificating authority of the country of registry.

* * * * *

(d) *Helicopters.* Any person taking off or landing a helicopter certificated under Part 29 of this chapter at a heliport constructed over water may make such momentary flight as is necessary for takeoff or landing through the prohibited range of the limiting height-speed envelope established for that helicopter if that flight through the prohibited range takes place over water on which a safe ditching can be accomplished, and if the helicopter is amphibious or is equipped with floats or other emergency flotation gear adequate to accomplish a safe emergency ditching on open water.

These amendments are proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on May 11, 1972.

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

[FR Doc.72-7534 Filed 5-17-72;8:49 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19498; FCC 72-407]

FM BROADCAST STATIONS

Table of Assignments; Ballston Spa, N.Y.

In the matter of amendment of § 73.202, *Table of Assignments,* FM broadcast station. (Ballston Spa, N.Y.), Docket No. 19498, RM-1796.

1. Notice of proposed rule making is hereby given concerning the amendment of § 73.202(b) of the Commission's rules, the Table of FM Assignments, for a first assignment to Ballston Spa, N.Y. The proposal is advanced for comments.

2. By petition filed May 14, 1971, Paul F. Godley, Jr. (RM-1796), requests assignment of Channel 244A to Ballston Spa, N.Y. Ballston Spa, with a population of 4,968, is the seat of Saratoga County (population 121,679). Ballston Spa is not part of any urbanized area. However, it is located in the Albany-Schenectady-Troy Standard Metropolitan Statistical Area (SMSA) which has 720,280 population. Although there are a number of AM and FM stations assigned to the SMSA, the only broadcast facilities assigned to Saratoga County are one AM and one FM station at Saratoga Springs, some 6 miles northeast of Ballston Spa, and an AM station at Mechanicville, some 10 miles southeast of Ballston Spa.

3. In support, Godley supplied detailed information on the history and characteristics of Ballston Spa and its relationship to Saratoga County and the SMSA. He asserts that despite its position as a county seat for the fastest growing of four counties making up the SMSA,[1] Ballston Spa remains without a locally licensed broadcast station; that its needs and interests are not met on a daily basis by a local outlet with programming directed toward meeting its special needs, interests and problems; and that Ballston Spa's indigenous needs cannot be served by center-city oriented stations.

4. The requested assignment at Ballston Spa would preclude future assignment only on Channel 244A. The communities located within the precluded area include Albany, Troy, Schenectady, and communities contiguous thereto, as well as other communities in the New York State, Vermont, and Massachusetts. However, these communities where an assignment could be made are larger than Ballston Spa, and either have at least an AM or FM station assignment or both. Since Ballston Spa is the county seat and does not have a local aural broadcast facility, it appears that the public interest would be served by instituting a rule making proceeding proposing an assignment of an FM channel there.

5. *Showings required.* Comments are invited upon the proposal discussed above and listed below. The proponent of the proposal contained herein is expected to file comments, even if it does little more than refer to its petition. It is expected, among other things, to state its intention to apply for the channel if assigned, and, if authorized, to promptly build a station. Failure to make a showing may result in denial of the proposal.

6. *Cutoff procedure.* As in other recent FM rule making proceedings, the following procedures will govern:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with the proposal in this notice, they will be considered as comments in the proceeding, and public notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision herein.

7. In view of the foregoing, subject to the conditions and reservations set forth hereinabove in certain respects, and pursuant to authority found in sections 4(i), 303 (g) and (r) of the Communications Act of 1934, as amended, it is proposed to amend § 73.202(b) of the Commission's rules, the Table of FM Assignments, to add the following:

City	Channel No.	
	Present	Proposed
Ballston Spa, N.Y.		244A

8. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file com-

[1] Between 1960 and 1970, the county population increased 36.6 percent.

ments on or before June 23, 1972, and reply comments on or before July 5, 1972. All submissions by parties to this proceeding, or persons acting in behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

9. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. Responses will be available for public inspection during the regular business hours in the Commission's Public Reference Room at its headquarters (1919 M Street NW.), Washington, DC.

Adopted: May 10, 1972.

Released: May 12, 1972.

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

[FR Doc.72-7571 Filed 5-17-72;8:51 am]

[47 CFR Part 73]

[Docket No. 18873; FCC 72-409]

FM BROADCAST STATIONS

Tables of Assignments; New Castle, Pa.

Memorandum opinion and order. In the matter of amendment of § 73.202, *Table of Assignments*, FM broadcast stations. (New Castle, Pa.), Docket No. 18873, RM-1453.

1. The Commission has before it for consideration (a) "Petition for Reconsideration" of the Commission's refusal to make the above assignment, filed by Lawrence County Broadcasting Corp. (Lawrence), and (b) an "Opposition to Petition for Reconsideration," filed by the Hearst Corp. (Hearst).

2. On June 5, 1970, the Commission released a notice of proposed rule making inviting comments on Lawrence's proposal to assign Channel 240A to New Castle, Pa. Even before the Notice was issued, Scott Broadcasting Co. of Pennsylvania opposed the proposal, contending that it would lead to the making of a substandard assignment. Because of the seriousness of this matter, the notice indicated that the making of a showing that a site would be available from which New Castle could be expected to receive adequate coverage would be an important consideration in the Commission's decision. The Commission was concerned about two points: Could an adequate signal level be provided to New Castle and could the operation be reasonably free of shadowing problems. The Commission acknowledged New Castle's important unmet need for local FM service but sought assurance that the proposed assignment was technically capable of meeting this need.

3. After analyzing the material filed in this proceeding and making its own study, the Commission concluded that New Castle's needs would not be served by making an assignment, such as this one, which was incapable of meeting those needs. Rather, the Commission found that the inherent limitations imposed on the proposed assignment would so seriously detract from any operation on it, that the end result would be a failure to provide the very service New Castle warrants. In denying the proposed assignment by report and order of October 14, 1971 (FCC 71-1054), the Commission pointed to Lawrence's failure to provide data to establish that the assignment it proposed would provide adequate service and to its failure to rebut the showings made by others that satisfactory service could not be provided. Although the Commission indicated a willingness to tolerate minor deviations from the requirements of its rules and in fact explored other possibilities to see if the assignment could feasibly be made, it concluded that only a gross departure from applicable requirements would make the assignment possible. This, the Commission said, would serve neither the needs of New Castle or the public interest at large.

4. In its petition for reconsideration Lawrence makes two principal points. First it contends that the Commission might not have fully considered the nature of the part of New Castle that would not receive a city-grade (3.16 mv/m) signal. In addition, Lawrence contends that the Commission might not have given proper weight to its willingness to install an FM booster or translator to rectify problems with shadowing. According to its petition, only a small area of New Castle, consisting of an unpopulated railroad yard, would not be able to receive the required 3.16 mv/m signal. As to the areas which would be affected by shadowing, Lawrence's engineering exhibit states that the roof of the building in which its AM studios are located would be an excellent site for a translator or booster as would its AM site, 1.6 miles from New Castle. Use of translators/boosters at these sites would, it is said, eliminate any reception difficulties in areas affected by shadowing problems.

5. Hearst's opposition takes issue with what it sees as Lawrence's failure to recognize the Commission's reason for denying the proposal, viz its failure to submit data to demonstrate that the channel could be used to provide adequate service to New Castle. According to Hearst, Lawrence still has provided no data, only speculation in support of its view and in no way has rebutted the Commission's determination that the proposed assignment, not merely the use of particular site, was of dubious value. Hearst refers to Scott's earlier showing as demonstrating the inaccuracy of the assertion that only the railroad yard would not receive a 3.16 mv/m signal. Rather, it asserts that the data showed that more than half of the city would be affected. As to the matter of translators or boosters, it argues that they were intended to supplement and correct coverage problems outside the city of license, not to rectify inherent problems in order to permit making substandard assignments. Moreover, Hearst charges that the use of a booster would carry a high potential for interference and that a translator (or even two) would not be able to cover the area in question which would not receive a 3.16 mv/m signal. It also points out that Lawrence has not shown that a channel would be available for translator use, much less two channels.

6. Lawrence's two points provide no basis for altering our previous determination. Scott's showing and our own analysis indicated that the area which would be affected by a low signal level caused by shadowing would be substantial. Lawrence alleged that only the railroad yard would be involved, but it submitted no data, then or now, to document this assertion. From the beginning, Lawrence has been on notice that it was incumbent on it to establish the workability of its proposal, and this it has not done. The deviations, as we pointed out at length, gave every indication of being major, substantial ones, not minor, slight ones. Various possible alternatives were considered but we found that only by a wholesale departure from applicable standards would the assignment become possible. This, we pointed out, would not serve New Castle. Only an operation capable of providing adequate service to the community could do that. While we continue to believe that minor deviations could be tolerated in order to meet New Castle's important needs, there is no evidence that anything short of wholesale derogation of our standards could permit making the assignment.

7. Even if it could be shown that the translator/booster approach were a feasible one, the fact is that their operations were never intended as a means of rescuing what otherwise would be a substandard proposal. Aside from this general disruption of sound engineering practice that would result, their use here would also swallow up channels available for the use of translators on behalf of their intended purpose. In an area like this one, characterized by frequency congestion as well as hilly terrain, the problem becomes even more acute. In addition, it does not appear that use of a translator or booster here would be feasible, as the booster would in all likelihood have a high interference potential in the use proposed here and even the use of two translators does not appear capable of solving the shadowing problem. Finally, Lawrence has not shown that one, much less two, channels would be available for translator use. Thus, as before, we are forced to conclude that the deficiencies in the proposal would vitiate the purposes which it is ostensibly intended to serve, and as a result, that we must affirm our previous denial.

8. *Accordingly, it is ordered,* That the subject petition for reconsideration is denied and our action in this matter is affirmed.

9. *It is further ordered,* That this proceeding is terminated.

Adopted: May 10, 1972.

Released: May 12, 1972.

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

[FR Doc.72-7572 Filed 5-17-72;8:51 am]

[47 CFR Part 73]

[Dockets Nos. 18883, 19499; FCC 72-410]

FM BROADCAST STATIONS

Table of Assignments; Certain Cities

Order terminating rule making and notice of proposed rule making. In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations. (Whaleyville, Va.; Americus, Ga.; Oakdale, Calif.; Goldsboro, and Roanoke Rapids, N.C.; Albany, Ga.; Lowell, Ind.; Hattiesburg, Miss.; Exeter, N.H.; South Lake Tahoe, Calif.; Fairmont, N.C.; and Mullins, S.C.), Docket No. 18883, RM-1481, RM-1484, RM-1490, RM-1492, RM-1500, RM-1503, RM-1519, RM-1529, RM-1531; amendment of § 73.202, Table of Assignments, FM Broadcast Stations, (city of Nansemond, Va.), Docket No. 19499.

1. The Commission has before it for consideration the petition for reconsideration filed by Lloyd A. Gatling and James F. Hope, Jr., as to that portion of the second report and order in Docket No. 18883, adopted April 8, 1971 (28 F.C.C. 2d 641), denying their petition to assign Channel 221A to Whaleyville, Va. (population 332). All population figures are from the 1970 census.

2. In support of the petition for reconsideration, Messrs. Gatling and Hope rely on incorporation of Nansemond County, Holland, and Whaleyville as the city of Nansemond, effective July 1, 1972. A referendum has been held, and the consolidation approved; see Title 15.1, Chapter 26, Article 4, Code of Virginia 1950, as amended.[1] The "new" city will have a population of 35,166 people in a 427 square-mile area.[2]

3. In denying the petition, we pointed out preclusion impact and Whaleyville's small population. However, the intervening creation of the city of Nansemond (which is to become effective in the near future) places the situation in a different perspective. However, Channel 221A originally proposed by petitioners cannot provide a principal grade community signal as required by § 73.315 of the rules. In this respect, a study revealed that the only Class B or C channel that could be added without more than minimum disruption of the FM Table of Assignments is Channel 295, presently allocated to Elizabeth City, N.C.[3] Since the public interest, convenience, and necessity would be served by the allocation of a channel to the city of Nansemond, the Commission is adopting this notice of proposed rule making under section 553 of the Administrative Procedure Act (5 U.S.C. 553).

4. *Cutoff procedure.* The following procedure will apply:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments.

(b) With respect to any petition for rule making which conflicts with the proposal in this notice, it will be considered as comments in this proceeding, and public notice to this effect will be given, as long as it is filed before the date for filing initial comments in this proceeding. If filed later than that, it will not be considered in connection with the decision here.

5. In view of the foregoing, and pursuant to authority found in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend the FM Table of Assignments (§ 73.202(b)) to read as follows:

City	Channel No.	
	Present	Proposed
City of Nansemond, Va		295
Elizabeth City, N.C	229, 295	229

6. Pursuant to applicable procedure set out in § 1.415 of the Commission's rules, interested persons may file comments on or before June 23, 1972, and reply comments on or before July 5, 1972. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

7. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. These documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, DC.

8. *It is ordered,* That the petition for reconsideration filed by Messrs. Gatling and Hope in Docket No. 18883 (RM-1481) is denied and granted to the extent that another rule making proceeding is being instituted. See § 1.106(k)(2) of the Commission's rules and regulations.

9. *It is ordered,* That Docket No. 18883 is terminated.

Adopted: May 10, 1972.

Released: May 12, 1972.

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

[FR Doc.72-7573 Filed 5-17-72;8:51 am]

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[1] Chapter 712, Acts of the Assembly, approved Apr. 10, 1972, exempted any consolidation initiated and the referendum held prior to Jan. 1, 1972, from the moratorium on annexations.

[2] That city includes all of what now is Nansemond County except Suffolk, population 9,858, which is an "independent" city in the middle of Nansemond. FM Station WFOG, Channel 225, and AM Station WLPM (Class IV) operate at Suffolk.

[3] Elizabeth City, population 14,069 (the seat of Pasquotank County, population 26,824) is also allocated Channel 229 for which Love Broadcasting has a CP.

Notices

DEPARTMENT OF STATE

Agency for International Development

HOUSING GUARANTY PROGRAM FOR DOMINICAN REPUBLIC

Information for Investors

The Agency for International Development (A.I.D.) has advised Falconbridge Dominicana, C por 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 $3.5 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 Assistant Act of 1961, as amended (the "Act"). Proceeds of the loan will be used to construct housing projects in the Dominican Republic.

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

Kirkwood, Kaplan, Russin & Vecchi, 1218 16th Street NW., 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 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 12, 1972.

[FR Doc.72-7563 Filed 5-17-72;8:51 am]

DEPARTMENT OF THE TREASURY

Bureau of Customs

ALUMINUM INGOT FROM CANADA

Antidumping Proceeding Notice

On April 7, 1972, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), indicating a possibility that aluminum ingot from Canada is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

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

Approved: May 16, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-7640 Filed 5-17-72;9:17 am]

PRINTED VINYL FILM FROM ARGENTINA

Antidumping Proceeding Notice

On April 18, 1972, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), indicating a possibility that printed vinyl film from Argentina is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

[SEAL] LEONARD LEHMAN,
Acting Commissioner of Customs.

Approved: May 16, 1972.

Eugene T. Rossides
Assistant Secretary of the Treasury.

[FR Doc.72-7641 Filed 5-17-72;9:17 am]

PRINTED VINYL FILM FROM BRAZIL

Antidumping Proceeding Notice

On April 18, 1972, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), indicating a possibility that printed vinyl film from Brazil is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

[SEAL] LEONARD LEHMAN,
Acting Commissioner of Customs.

Approved: May 16, 1972.
EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-7642 Filed 5-17-72;9:17 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

COAST INDIAN COMMUNITY (RESIGHINI RANCHERIA), CALIFORNIA

Notice of Revocation of Plan for Distribution of Assets and of Continuance of Federal Trust Relationship

Notice is hereby given that at the request of all persons who were determined to hold rights, claims, or interests in the Coast Indian Community (Resighini Rancheria), Del Norte County, Calif., under a plan for distribution of assets drafted pursuant to the Act of August 18, 1958 (72 Stat. 619), and accepted January 21, 1967, said plan for distribution of assets of the Coast Indian Community (Resighini Rancheria) was revoked on January 2, 1972, with the understanding that any income hereafter received by or credited to the Coast Indian Community or Resighini Rancheria shall first be used (1) to pay to Dorothy Frye Williams and Delores Ward certain sums deducted from their respective pro rata shares for in-lieu homesite parcels of land selected by them and thereafter quit-claimed to the Coast Indian Community, and (2) to pay to Mrs. Ollie James a sum equal in amount to the cash distribution paid to the distributees under the plan for distribution of assets.

All individuals affected by the revocation of the plan for distribution of assets are eligible for all services performed by the Federal Government for Indians because of their status as Indians and are subject to all statutes which affect Indians because of their status as Indians. Those individuals include the following persons and the dependent members of their immediate families:

Name	*Address*
Venola Dowd	641 Fresno Street, Crescent City, CA 95531.
Dixie Lee Frank	General Delivery, Crescent City, CA 95531.
Minnie Frank	Post Office Box 97, Crescent City, CA 95531.
Dorothy Frye	Post Office Box 913, Klamath, CA 95548.
Dale Ann Frye	Post Office Box 913, Klamath, CA 95548.
Evelina Hoffman	Post Office Box 23, Klamath, CA 95548.
Stella Jake	General Delivery, Blue Lake, CA 95525.
Lester Jake	General Delivery, Blue Lake, CA 95525.
Ollie James	629 Keller Avenue, Crescent City, CA 95531.
Lena McCovey	430 Kern Street, Crescent City, CA 95531.
Delores Nova	Post Office Box 543, Klamath, CA 95548.
William Scott	796 Warren Creek Road, Arcata, CA 95521.
Marlyn Kay Scott	796 Warren Creek Road, Arcata, CA 95521.
William Randy Scott	796 Warren Creek Road, Arcata, CA 95521.
Mark Anthony Scott	796 Warren Creek Road, Arcata, CA 95521.
Johnny Martin Scott	796 Warren Creek Road, Arcata, CA 95521.
Dennis Rocky Scott	796 Warren Creek Road, Arcata, CA 95521.
Joseph Danny Scott	796 Warren Creek Road, Arcata, CA 95521.
Lisa Annette Scott	796 Warren Creek Road, Arcata, CA 95521.
Sheri Scott	796 Warren Creek Road, Arcata, CA 95521.
Delores Ward	Post Office Box 392, Klamath, CA 95548.

HARRISON LOESCH,
Assistant Secretary of the Interior.

MAY 11, 1972.

[FR Doc.72-7511 Filed 5-17-72;8:46 am]

Bureau of Land Management

[S-5137]

CALIFORNIA

Proposed Classification of Public Lands for Disposal by Exchange

Pursuant to section 5 (2) and (3) (A) of the Act of October 21, 1970 (84 Stat. 1067-71), it is proposed to classify public lands described below for disposal through private exchanges in the King Range vicinity. The act not only provided for establishment of the King Range National Conservation Area, but also specifies that any land disposal classification to nonpublic ownership will be for exchange during the 5 years after the law's enactment.

Information from various sources indicates that these lands meet the criteria of 43 CFR 2430.4(d), "for exchange under appropriate authority where they are found to be chiefly valuable for public purposes because they have special values, arising from the interest of exchange proponents, for exchange for other lands which are needed for support of a Federal program."

Information concerning these lands that are proposed for classification is available at the Ukiah District Office.

Interested parties may submit comments, suggestions, and objections to the District Manager, 168 Washington Avenue, Ukiah, CA 95482 on or before June 19, 1972.

Pursuant to the regulations in 43 CFR 2202.5, the filing of a valid formal exchange application will segregate any of these public lands from appropriation under the public land laws, including the mining laws.

Public lands that are affected by this proposal are located in Humboldt and Mendocino Counties, Calif., and are described below:

HUMBOLDT MERIDIAN

T. 1 S., R. 1 E.,
Sec. 5, SW¼NE¼, SE¼NW¼, NW¼SE¼;
Sec. 6, SE¼SW¼;
Sec. 7, E½NW¼;
Sec. 19, NE¼NW¼;
Sec. 32, W½SE¼, SE¼SE¼.
T. 2 S., R. 1 E.,
Sec. 33, SE¼SE¼.
T. 4 S., R. 1 E.,
Sec. 14, lot 1.
T. 3 S., R. 2 E.,
Sec. 22, NW¼NE¼;
Sec. 26, NE¼SE¼.
T. 4 S., R. 2 E.,
Sec. 27, NW¼SE¼;
Sec. 30, SE¼NW¼.
T. 5 S., R. 2 E.,
Sec. 4, lot 5;
Sec. 8, SE¼SE¼;
Sec. 9, SW¼SW¼;
Sec. 17, SW¼NW¼;
Sec. 19, SE¼SE¼;
Sec. 23, S½NE¼, SW¼NW¼, NE¼SE¼;
Sec. 25, SW¼SW¼;
Sec. 26, SE¼NE¼;
Sec. 27, SW¼SW¼;
Sec. 28, S½NE¼, SW¼NW¼, W½SE¼;
Sec. 33, NE¼NW¼, SE¼SW¼;
Sec. 34, NW¼NW¼.
T. 4 N., R. 3 E.,
Sec. 7, lot 2;
Sec. 13, NW¼SW¼;
Sec. 24, NE¼NE¼.
T. 7 N., R. 3 E.,
Sec. 5, SE¼NE¼;
Sec. 10, SE¼NW¼.
T. 8 N., R. 3 E.,
Sec. 33, NW¼SW¼.
T. 1 S., R. 3 E.,
Sec. 4, SE¼NW¼.
T. 3 S., R. 3 E.,
Sec. 21, N½NE¼, SW¼NE¼;
Sec. 22, SW¼NW¼.
T. 5 S., R. 3 E.,
Sec. 10, NE¼SW¼;
Sec. 11, SW¼SW¼.
T. 1 N., R. 4 E.,
Sec. 1, SE¼SW¼;
Sec. 12, NE¼NW¼.
T. 2 N., R. 4 E.,
Sec. 1, lots 5 and 6;
Sec. 2, lots 5, 6, 7, and 8.
T. 6 N., R. 4 E.,
Sec. 19, SE¼SE¼;
Sec. 30, NE¼NE¼.
T. 7 N., R. 4 E.,
Sec. 7, lots 1 and 6;
Sec. 18, NE¼NE¼.
T. 10 N., R. 4 E.,
Sec. 29, SE¼SE¼.
T. 9 N., R. 4 E.,
Sec. 7, lot 5.
T. 2 S., R. 4 E.,
Sec. 26, SW¼SE¼;
Sec. 35, NE¼SE¼.
T. 5 S., R. 4 E.,
Sec. 25, W½NW¼, NW¼SW¼;
Sec. 26, E½NE¼, NW¼NE¼, SW¼NW¼;
Sec. 27, SE¼NW¼, NE¼SW¼;
Sec. 32, SE¼NE¼, E½SE¼;
Sec. 33, NW¼NW¼.
T. 1 S., R. 5 E.,
Sec. 10, N½NE¼, NE¼NW¼;
Sec. 15, NW¼SW¼.

HUMBOLDT MERIDIAN—Continued

T. 2 S., R. 5 E.,
Sec. 25, SE¼SE¼.
T. 4 S., R. 5 E.,
Sec. 14, NW¼SE¼, SE¼SE¼.
T. 3 S., R. 6 E.,
Sec. 6, lot 1, SE¼NE¼;
Sec. 23, SW¼SW¼;
Sec. 33, NW¼NW¼.
T. 4 S., R. 6 E.,
Sec. 7, N½NE¼.
T. 1 S., R. 1 W.,
Sec. 10, NW¼NE¼;
Sec. 13, SW¼NW¼, W½SW¼.
T. 2 S., R. 1 W.,
Sec. 10, SE¼NE¼;
Sec. 11, SW¼SE¼;
Sec. 13, N½NW¼, SE¼NW¼;
Sec. 14, N½NE¼, NE¼NW¼, NE¼SE¼;
Sec. 21, NE¼SW¼, NE¼SE¼;
Sec. 22, SW¼NW¼;
Sec. 24, NE¼SW¼.
T. 1 S., R. 2 W.,
Sec. 1, lots 2, 5, and 6;
Sec. 2, NW¼SE¼;
Sec. 3, SE¼SW¼;
Sec. 4, lots 3 and 4, S½NW¼, NE¼SE¼;
Sec. 5, lot 1, S½NE¼;
Sec. 6, SE¼NE¼;
Sec. 8, S½;
Sec. 9, SW¼, N½SE¼;
Sec. 10, SW¼NE¼, S½NW¼, N½SW¼, NW¼SE¼;
Sec. 11, S½NW¼;
Sec. 13, NE¼SW¼, SE¼;
Sec. 24, NW¼NE¼, NE¼NW¼.
T. 2 S., R. 2 W.,
Sec. 22, SE¼SW¼, SW¼SE¼;
Sec. 26, lots 4, 5, 12, 13, 14, and 16;
Sec. 28, N½NW¼, SE¼NW¼, NE¼SW¼, S½SW¼, W½SE¼;
Sec. 29, SW¼SW¼;
Sec. 30, SE¼SE¼;
Sec. 32, NW¼NE¼;
Sec. 33, NW¼NE¼, N½NW¼, SE¼NW¼.
T. 3 S., R. 2 W.,
Sec. 4, SE¼NW¼;
Sec. 5, lot 2, SW¼NE¼;
Sec. 11, NW¼SE¼.

MOUNT DIABLO MERIDIAN

T. 20 N., R. 16 W.,
Sec. 7, lot 4.
T. 20 N., R. 17 W.,
Sec. 1, lots 5, 6.
T. 24 N., R. 18 W.,
Sec. 2, SW¼SW¼.
T. 24 N., R. 19 W.,
Sec. 3, SW¼SE¼.

The above described area contains 7,844.27 acres.

For the State Director.

MELVIN D. CLAUSEN,
District Manager.

[FR Doc.72-7553 Filed 5-17-72;8:50 am]

Office of the Secretary

[Order 2508, Amdt. 96]

COMMISSIONER OF INDIAN AFFAIRS

Delegation of Authority Regarding Alaska Natives

Paragraphs (a) and (b) of section 30 of Order 2508, as amended, are further amended to add new subparagraphs, reading as follows:

SEC. 30. *Authority under specific acts.* (a) In addition to any authority delegated elsewhere in this order, the Commissioner of Indian Affairs, except as provided in paragraph (b) of this section, is authorized to perform the functions and exercise the authority vested in the Secretary of the Interior by the following acts or portions of acts or any acts amendatory thereof:

* * * * *

(53) Section 2(c), which authorizes making a study of Federal programs designed to benefit Native people; section 5, which authorizes preparation of a roll of all Natives born on or before the date of enactment and enrollment of eligible Natives who are nonresidents of Alaska in one of the 12 regions or in a 13th region if it is established; section 3(c), which authorizes distribution of Alaska Native Fund money among the Regional Corporations; section 11(b)(2), which authorizes reviewing all listed villages and determining if any disqualify; sections 11(b)(3), which authorizes determining if any Native villages not listed qualify for land and benefits; section 14(h)(1), which authorizes certifying existing cemetery sites and historical places; section 14(h)(2), which authorizes certifying eligibility of certain Native groups for land and the lands selected by them; section 14(h)(3), which authorizes certifying eligibility for land of Natives residing in certain cities; section 14(h)(5), which authorizes determination of the primary place of residence of an individual Native; section 18(a), which authorizes certifying eligibility of Natives applying for allotments; and section 20(d)(5), which authorizes reviewing claims referred by the Court of Claims and filing answers when claims are to be contested; of the Alaska Native Claims Settlement Act of December 18, 1971.

(Public Law 92-203; 85 Stat. 688.)

(b) The authority granted in paragraph (a) of this section shall not include:

* * * * *

(12) The authority under the Alaska Native Claims Settlement Act of December 18, 1971 (Public Law 92-203; 85 Stat. 688) to report to Congress recommendations derived from the study made under section 2(c); to approve the roll prepared under section 5; to withdraw lands for Native villages determined to be eligible under section 11(b)(3); to withdraw and convey fee title to cemetery sites and historical places under section 14(h)(1); to withdraw and convey title to lands for certain Native groups under section 14(h)(2); to withdraw and convey title to lands for Natives residing in certain cities under section 14(h)(3); to convey surface and subsurface estates in land under section 14(h)(5); and to approve applications for allotments and issue patents under section 18(a).

ROGERS C. B. MORTON,
Secretary of the Interior.

MAY 11, 1972.

[FR Doc.72-7561 Filed 5-17-72;8:50 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

CHICAGO AIRPORTS DISTRICT OFFICE

Notice of Relocation

Effective on or about June 3, 1972, the Chicago Airports District Office at 3166 Des Plaines Avenue, Des Plaines, IL 60018, will be relocated. Services to the public formerly provided by this office, will be provided by the Chicago Airports District Office at 2300 East Devon Avenue, Des Plaines, IL 60018. This information will be reflected in the FAA Organization Statement the next time it is issued.

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

Issued in Des Plaines, Ill., on May 9, 1972.

LYLE K. BROWN,
Director, Great Lakes Region.

[FR Doc.72-7530 Filed 5-17-72;8:47 am]

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

[FSP No. 1972-2]

FOOD STAMP PROGRAM

Maximum Monthly Allowable Income Standards and Basis of Coupon Issuance; Alaska

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be adjusted annually to reflect changes in the prices of food published by the Bureau of Labor Statistics. Therefore, Notice FSP No. 1971-2, which is a part of Subchapter C—Food Stamp Program, under Title 7, Chapter II, Code of Federal Regulations, is superseded, effective July 1, 1972, by this Notice FSP No. 1972-2.

In view of the need for placing this notice into effect on July 1, 1972, it is hereby determined that it is impracticable and contrary to the public interest to give notice of proposed rule making with respect to this notice. Notice FSP No. 1972-2 reads as follows:

MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE; ALASKA

As provided in § 271.3(b), households in which all members are included in the federally aided public assistance or general assistance grant shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally aided public assist-

ance or general assistance, in Alaska, shall be the higher of:

(1) The maximum allowable monthly income standards for each household size which were in effect in Alaska prior to July 29, 1971, or

(2) The following maximum allowable monthly income standards:

MAXIMUM ALLOWABLE MONTHLY INCOME STANDARDS—ALASKA

Household size:	
1	$214
2	281
3	400
4	480
5	573
6	667
7	733
8	813
Each additional member	+67

"Income" as the term is used in the notice is as defined in paragraph (b) of § 271.3 of the Food Stamp Program regulations.

Pursuant to section 7 (a) and (b) of the Food Stamp Act, as amended (7 U.S.C. 2016, Public Law 91–671), the face value of the monthly coupon allotment which the State agency is authorized to issue to any household certified as eligible to participate in the program and the amount charged for the monthly coupon allotment in Alaska are as follows:

MONTHLY COUPON ALLOTMENTS AND PURCHASE REQUIREMENTS—ALASKA

Monthly net income	For a household of—							
	1 person	2 persons	3 persons	4 persons	5 persons	6 persons	7 persons	8 persons
	The monthly coupon allotment is—							
	$44	$80	$120	$144	$172	$200	$220	$244
	And the monthly purchase requirement is—							
$0–$19.99	0	0	0	0	0	0	0	0
$20–$29.99	1	1	0	0	0	0	0	0
$30–$39.99	4	4	4	4	5	5	5	5
$40–$49.99	6	7	7	7	8	8	8	8
$50–$59.99	8	10	10	10	11	11	12	12
$60–$69.99	10	12	13	13	14	14	15	16
$70–$79.99	12	15	16	16	17	17	18	19
$80–$89.99	14	18	19	19	20	21	21	22
$90–$99.99	16	21	21	22	23	24	25	26
$100–$109.99	18	23	24	25	26	27	28	29
$110–$119.99	20	26	27	28	29	31	32	33
$120–$129.99	22	29	30	31	33	34	35	36
$130–$139.99	24	31	33	34	36	37	38	39
$140–$149.99	26	34	36	37	39	40	41	42
$150–$169.99	30	36	40	41	42	43	44	45
$170–$189.99	30	42	46	47	48	49	50	51
$190–$209.99	30	49	52	53	54	55	56	57
$210–$229.99	30	54	58	59	60	61	62	63
$230–$249.99		54	64	65	66	67	68	69
$250–$269.99		54	70	71	72	73	74	75
$270–$289.99		54	76	77	78	79	80	81
$290–$309.99			82	83	84	85	86	87
$310–$329.99			88	89	90	91	92	93
$330–$359.99			94	95	96	97	98	99
$360–$389.99			98	105	105	106	107	108
$390–$419.99			98	114	114	115	116	117
$420–$449.99				116	123	124	125	126
$450–$479.99				116	132	133	134	135
$480–$509.99				116	138	142	143	144
$510–$539.99					140	151	152	153
$540–$569.99					140	160	161	162
$570–$599.99					140	164	168	171
$600–$629.99						164	172	180
$630–$659.99						164	176	184
$660–$689.99						164	180	188
$690–$719.99							180	192
$720–$749.99							180	196
$750–$779.99								200
$780–$809.99								200
$810–$839.99								200

For issuance to households of more than eight persons use the following formula:

A. *Value of the total allotment.* For each person in excess of eight, add $20 to the monthly coupon allotment for an eight-person household.

B. *Purchase requirement.*

1. Use the purchase requirement shown for the eight-person household for households with incomes of $779.99 or less per month.

2. For households with monthly incomes of $780 or more, use the following formula:

For each $30 worth of monthly income (or portion thereof) over $779.99, add $4 to the monthly purchase requirement shown for an eight-person household with an income of $779.99.

3. To obtain maximum monthly purchase requirements for households of more than eight persons, add $16 for each person over eight to the maximum purchase requirement shown for an eight-person household.

Effective date. The provisions of this notice shall become effective on July 1, 1972.

PHILIP C. OLSSON,
Deputy Assistant Secretary.

MAY 11, 1972.

[FR Doc.72–7407 Filed 5–17–72;8:45 am]

[FSP No. 1972–3]

FOOD STAMP PROGRAM

Maximum Monthly Allowable Income Standards and Basis of Coupon Issuance; Hawaii

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be adjusted annually to reflect changes in the prices of food published by the Bureau of Labor Statistics. Therefore, Notice FSP No. 1971–3, which is a part of Subchapter C—Food Stamp Program, under Title 7, Chapter II, Code of Federal Regulations, is superseded, effective July 1, 1972, by this Notice FSP No. 1972–3.

In view of the need for placing this notice into effect on July 1, 1972, it is hereby determined that it is impracticable and contrary to the public interest to give notice of proposed rule making with respect to this notice. Notice FSP No. 1972–3 reads as follows:

MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE; HAWAII

As provided in § 271.3(b), households in which all members are included in the federally aided public assistance or general assistance grant shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally aided public assistance or general assistance, in Hawaii, shall be the higher of:

(1) The maximum allowable monthly income standards for each household size which were in effect in Hawaii prior to July 29, 1971, or

(2) The following maximum allowable monthly income standards:

MAXIMUM ALLOWABLE MONTHLY INCOME STANDARDS—HAWAII

Household size:	
1	$202
2	265
3	400
4	480
5	573
6	667
7	733
8	813
Each additional member	+67

"Income" as the term is used in the notice is as defined in paragraph (b) of § 271.3 of the Food Stamp Program regulations.

Pursuant to section 7 (a) and (b) of the Food Stamp Act, as amended (7 U.S.C. 2016, Public Law 91–671), the face value of the monthly coupon allotment which the State agency is authorized to issue to any household certified as eligible to participate in the program and the amount charged for the monthly coupon allotment in Hawaii are as follows:

MONTHLY COUPON ALLOTMENTS AND PURCHASE REQUIREMENTS—HAWAII

Monthly net income	For a household of—							
	1 person	2 persons	3 persons	4 persons	5 persons	6 persons	7 persons	8 persons
	The monthly coupon allotment is—							
	$44	$80	$120	$144	$172	$200	$220	$244
	And the monthly purchase requirement is—							
$0–$19.99	0	0	0	0	0	0	0	0
$20–$29.99	1	1	0	0	0	0	0	0
$30–$39.99	4	4	4	4	5	5	5	5
$40–$49.99	6	7	7	7	8	8	8	8
$50–$59.99	8	10	10	10	11	11	12	12
$60–$69.99	10	12	13	13	14	14	15	16
$70–$79.99	12	15	16	16	17	17	18	19
$80–$89.99	14	18	19	19	20	21	21	22
$90–$99.99	16	21	21	22	23	24	25	26
$100–$109.99	18	23	24	25	26	27	28	29
$110–$119.99	20	26	27	28	29	31	32	33
$120–$129.99	22	29	30	31	33	34	35	36
$130–$139.99	24	31	33	34	36	37	38	39
$140–$149.99	26	34	36	37	39	40	41	42
$150–$169.99	30	36	40	41	42	43	44	45
$170–$189.99	30	42	46	47	48	49	50	51
$190–$209.99	30	49	52	53	54	55	56	57
$210–$229.99		54	58	59	60	61	62	63
$230–$249.99		54	64	65	66	67	68	69
$250–$269.99		54	70	71	72	73	74	75
$270–$289.99			76	77	78	79	80	81
$290–$309.99			82	83	84	85	86	87
$310–$329.99			88	89	90	91	92	93
$330–$359.99			94	95	96	97	98	99
$360–$389.99			98	105	105	106	107	108
$390–$419.99			98	114	114	115	116	117
$420–$449.99				116	123	124	125	126
$450–$479.99				116	132	133	134	135
$480–$509.99				116	138	142	143	144
$510–$539.99					140	151	152	153
$540–$569.99					140	160	161	162
$570–$599.99					140	164	168	171
$600–$629.99						164	172	180
$630–$659.99						164	176	184
$660–$689.99						164	180	188
$690–$719.99							180	192
$720–$749.99							180	196
$750–$779.99								200
$780–$809.99								200
$810–$839.99								200

For issuance to households of more than eight persons use the following formula:

A. *Value of the total allotment.* For each person in excess of eight, add $20 to the monthly coupon allotment for an eight-person household.

B. *Purchase requirement.* 1. Use the purchase requirement shown for the eight-person household for households with incomes of $779.99 or less per month. 2. For households with monthly incomes of $780 or more, use the following formula: For each $30 worth of monthly income (or portion thereof) over $779.99, add $4 to the monthly purchase requirement shown for an eight-person household with an income of $779.99. 3. To obtain maximum monthly purchase requirements for households of more than eight persons, add $16 for each person over eight to the maximum purchase requirement shown for an eight-person household.

Effective date. The provisions of this notice shall become effective on July 1, 1972.

PHILIP C. OLSSON,
Deputy Assistant Secretary.

MAY 11, 1972.

[FR Doc.72-7408 Filed 5-17-72;8:45 am]

NATIONAL SCHOOL LUNCH PROGRAM, SCHOOL BREAKFAST PROGRAM, AND COMMODITY ONLY SCHOOLS

Income Poverty Guidelines for Determining Eligibility for Free and Reduced Price Meals

Pursuant to section 9 of the National School Lunch Act, as amended (42 U.S.C. 1758), and section 4(e) of the Child Nutrition Act of 1966, as amended (42 U.S.C. 1773(e)), the income poverty guidelines for determining eligibility for free and reduced price meals in the National School Lunch Program, commodity only schools, and School Breakfast Program are prescribed, as of July 1, 1972, as follows:

Family size	48 States, D.C. and outlying areas [1]	Hawaii	Alaska
1	2,130	2,420	2,570
2	2,790	3,180	3,370
3	3,450	3,940	4,170
4	4,110	4,680	4,970
5	4,720	5,380	5,710
6	5,330	6,070	6,440
7	5,880	6,700	7,110
8	6,430	7,330	7,780
9	6,930	7,900	8,380
10	7,430	8,470	8,980
11	7,930	9,040	9,580
12	8,430	9,610	10,180
Each additional family member	500	570	600

[1] "Outlying Areas" include the Commonwealth of Puerto Rico, Guam, Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

The income poverty guidelines set forth above are the minimum family size annual income levels to be used by local school food authorities in establishing eligibility for free and reduced price meals in schools beginning July 1, 1972.

The income poverty guidelines are based on the previous year's poverty level adjusted for the year-to-year change in the Consumer Price Index. This procedure is consistent with the basic procedure used by the Bureau of the Census in updating its latest statistics on poverty levels. The income poverty guidelines for Hawaii and Alaska are consistent with such variations established by the Office of Economic Opportunity in its Income Poverty Guidelines (37 F.R. 444, Jan. 12, 1972), with appropriate adjustments.

"Income," as the term is used in this notice, is similar to that defined in the Bureau of Census report, "Characteristics of the Low-Income Population: 1970", Consumer Income, Current Population Reports, Series P-60, No. 81, November 1971. "Income" means income before deductions for income taxes, employees' social security taxes, insurance premiums, bonds, etc. It includes the following: (1) Monetary compensation for services, including wages, salary, commissions, or fees; (2) net income from nonfarm self-employment; (3) net income from farm self-employment; (4) social security; (5) dividends or interest on savings or bonds, income from estates or trusts or net rental income; (6) public assistance or welfare payments; (7) unemployment compensation; (8) Government civilian employee or military retirement, or pensions, or veterans' payments; (9) private pensions or annuities; (10) alimony or child support payments; (11) regular contributions from persons not living in the household; (12) net royalties; and (13) other cash income. Other cash income would include cash amounts received or withdrawn from any source, including savings, investments, trust accounts, and other resources, which would be available to pay the price of a child's meal.

In applying these guidelines, school food authorities may consider both the income of the family during the past 12 months and the family's current rate of income to determine which is the better indicator of the need for free and reduced price meals.

Effective date. This notice shall be effective on and after July 1, 1972.

Dated: May 16, 1972.

RICHARD LYNG,
Assistant Secretary.

[FR Doc.72-7593 Filed 5-17-72;8:52 am]

ATOMIC ENERGY COMMISSION

PREPARATION OF BENEFIT-COST ANALYSES FOR CERTAIN NUCLEAR POWER PLANTS

Notice of Issuance of Guide

On January 13, 1972, the Atomic Energy Commission published in the

FEDERAL REGISTER (37 F.R. 548) a notice of the issuance for public comment of a proposed guide to the preparation of benefit-cost analyses for nuclear power plants. The proposed guide was prepared as an aid in the preparation of environmental reports by applicants for certain categories of completed and nearly completed nuclear power plants under the Commission's regulations 10 CFR Part 50, Appendix D, implementing the National Environmental Policy Act of 1969 (NEPA). The proposed guide took into account suggestions received as a result of discussions of a draft version in a series of meetings with representatives of Federal and State agencies, industry, environmental organizations, and others.

All interested persons were invited to submit comments and suggestions concerning the proposed guide by February 15, 1972. Upon consideration of the comments received and other factors involved, the Commission is issuing in final form the "Guide for Submission of Information on Costs and Benefits of Environmentally Related Alternative Designs for Defined Classes of Completed and Partially Completed Nuclear Facilities."

Under the Commission's regulations implementing the National Environmental Policy Act of 1969 (NEPA), Appendix D to 10 CFR Part 50, each applicant for a nuclear power plant construction permit or operating license is required to submit a new or supplemental environmental report. The regulations further require that the report include a benefit-cost analysis which considers and balances the environmental impact of the facility and the alternatives available for reducing or avoiding adverse environmental effects, as well as the environmental, economic, technical, and other benefits of the facility.

The new guide provides a format for submission of the benefit-cost information that is required by the AEC staff for its independent evaluation of these considerations. It further indicates that the information submitted should reflect a rigorous exploration and objective evaluation of alternative actions that avoid or minimize the adverse environmental effects.

In the Commission's evaluation process, each case will be analyzed on the basis of the unique environmental effects associated with each plant. The guide reflects the key considerations in the Commission's review process—that benefits and costs should be quantified to the fullest extent practicable and that a full range of alternative approaches to reduce detrimental environmental effects should be outlined. It also details methods for computing the costs associated with a broad range of environmental impact considerations.

The "Guide for Submission of Information on Costs and Benefits of Environmentally Related Alternative Designs for Defined Classes of Completed and Partially Completed Nuclear Facilities" is available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC. Copies of the guide may be obtained by writing the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545.

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

Dated at Bethesda, Md., this 12th day of May 1972.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.72-7496 Filed 5-17-72;8:48 am]

[Dockets Nos. 50-272, 50-311]

PUBLIC SERVICE ELECTRIC AND GAS CO.

Order Extending Completion Dates

Public Service Electric and Gas Co. of New Jersey, has filed requests dated March 9 and April 24, 1972, for an extension of the latest completion dates granted by Provisional Construction Permits Nos. CPPR-52 and CPPR-53 dated September 25, 1968, for construction of two pressurized water nuclear reactors, designated as the Salem Nuclear Generating Units 1 and 2, at the applicant's site in Salem County, N.J. Unit 1 is designed for initial operation at approximately 3,350 megawatts thermal and Unit 2 at 3,423 megawatts thermal. Good cause having been shown for extension of said date pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and section 50.55 of the Commission's regulations:

It is hereby ordered, That the latest completion dates are extended from May 1, 1972, to October 1, 1974, for Unit 1 and from May 1, 1973, to May 1, 1975, for Unit 2.

Date of issuance: May 10, 1972.

For the Atomic Energy Commission.

A. GIAMBUSSO,
Deputy Director for Reactor Projects, Directorate of Licensing.

[FR Doc.72-7495 Filed 5-17-72;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-465]

AMERICAN CYANAMID CO., ET AL.

Certain Antibiotic Containing New Animal Drugs; Notice of Opportunity for Hearing

In announcements in the FEDERAL REGISTER of November 21, 1969 (34 F.R. 18560, DESI 2-0136NV), June 23, 1970 (35 F.R. 10239, DESI 2-0128NV), July 8, 1970 (35 F.R. 10966, DESI 0012NV), July 22, 1970 (35 F.R. 11707, DESI 0129NV), July 22, 1970 (35 F.R. 11716, DESI 2-0023NV), August 5, 1970 (35 F.R. 12491, DESI 0043NV), August 5, 1970 (35 F.R. 12492, DESI 0015NV), August 14, 1970 (35 F.R. 12965, DESI 0124NV), August 22, 1970 (35 F.R. 13483, DESI 0036NV), and August 25, 1970 (35 F.R. 13544, DESI 0018NV), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of the reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following drugs:

1. (a) Polyotic Capsules, NADA (new animal drug application) No. 65-068; (b) Aureomycin chlortetracycline in oil Pigdoser, NADA No. 55-015; and (c) Aueromycin Capsules 50 mg., Aureomycin Capsules 100 mg., and Aureomycin Capsules 250 mg., NADA No. 65-299; by American Cyanamid Co., Post Office Box 400, Princeton, NJ 08540.

2. (a) Purina Check-R-Mycin-2X and (b) Purina Inject-R-Mycin; by Ralston Purina Co., St. Louis, Mo. 63188.

3. (a) Crysticillin 600 A.S. Veterinary and (b) Aqua-Strep; by E. R. Squibb & Sons, Inc., Georges Road, New Brunswick, N.J. 08903, and

4. (a) Kao-Strep Powder, NADA No. 65-166; (b) Streptomagma Bolus, NADA No. 65-165; (c) Wycillin, and (d) Lentovet; by Wyeth Laboratories, Inc., Post Office Box 8299, Philadelphia, Pa. 19101.

The announcements invited the holders of said new animal drug applications and any other interested persons to submit pertinent data on the drugs' effectiveness. Adequate data were not received in response to the announcement and available information fails to provide substantial evidence that these drugs will have the effect they purport to have when administered in accordance with the conditions of use prescribed, recommended, or suggested in their labeling.

The FEDERAL REGISTER of September 14, 1971 (36 F.R. 18392) § 135.35 requested that each person holding an approved Form 5 or 6 for an antibiotic drug for use in animals submit a report on the market status of such products. The manufacturers of the above named drugs advised the Commissioner that these products are no longer marketed.

Therefore, notice is given to the above-named firms and to any other interested persons who may be adversely affected that the Commissioner proposes to issue an order under the provisions of section 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b) withdrawing approval of the new animal drug applications for the above antibiotic containing drugs, including all amendments and supplements thereto.

In accordance with the provisions of section 512 of the act (21 U.S.C. 360b), the Commissioner hereby gives the applicant and any other interested person who would be adversely affected by an order withdrawing such approvals an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of the NADA's for the listed drugs should not be withdrawn.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing

Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of said applications.

Failure of such persons to file a written appearance of election within 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing concerning a method or process that the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file a written appearance requesting the hearing and giving the reasons why the approval of the new animal drug applications should not be withdrawn together with a well-organized and full-factual analysis of the data they are prepared to prove in support of their opposition to the grounds for this notice. A request for a hearing may not rest upon mere allegations or denials but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for a hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, the Commissioner will enter an order stating his findings and conclusions on such data. If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence.

Response to this notice will be available for public inspection in this Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343–51; 21 U.S.C. 360b) and under the authority delegated to the Commissioner (21 CFR 2.120).

Dated: May 8, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–7507 Filed 5–17–72;8:49 am]

[DESI 2411]

POTASSIUM THIOCYANATE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drug:

Potassium Thiocyanate Enseals (enteric coated tablets); Eli Lilly and Co., Post Office Box 618, Indianapolis, Indiana 46206 (NDA 2–411).

The Academy commented that the chief problem with thiocyanates in the treatment of hypertension has been their ability to cause severe toxic and even fatal reactions. The panel does not recommend the use of such a potentially toxic drug for the relief of headaches. The Food and Drug Administration concludes that there is a lack of evidence that the effectiveness of potassium thiocyanate is sufficient to justify its use for the treatment of hypertension and relief of headaches associated with hypertension, in view of known serious hazards associated with such use. Accordingly, the Commissioner intends to initiate proceedings to withdraw approval of the above-listed new-drug application for potassium thiocyanate. Any related drug for human use, not the subject of an approved new-drug application, may be affected by the proposed action.

Prior to initiating such action, however, the Commissioner invites the holder of the new-drug application for this drug and any interested person who might be adversely affected by its removal from the market to submit pertinent data bearing on the proposal within 30 days after publication hereof in the FEDERAL REGISTER.

To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well organized, and include data from adequate and well controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

The above-named holder of the new-drug application for this drug has been furnished a copy of the Academy's report.

Communications forwarded in response to this announcement should be identified with the reference number DESI 2411, directed to the attention of appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Requests for the Academy's report: Drug Efficacy Study Information Control (BD–67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: May 8, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–7508 Filed 5–17–72;8:49 am]

FEDERAL COMMUNICATIONS COMMISSION

[Canadian List 290]

CANADIAN STANDARD BROADCAST STATIONS

Notification List

MAY 3, 1972.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power kw	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
		590 kHz							
CFNL (correction—*Top Loaded to 60°*).	Fort Nelson, British Columbia, N. 58°48′51″, W. 122°42′32″.	0.25	ND–170	U	IV	200	120	650	
		610 kHz							
CKRW (correction—*Top Loaded to 60°*).	Whitehorse, Yukon Territory, N. 60°41′33″, W. 134°58′09″.	1	ND–170	U	III	250	120	650	

Call letters	Location	Power kw	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
		810 kHz							
(New) (delete assignment)	Caraquet, New Brunswick, N. 47°45'40", W. 65°03'45".	10D/5N	DA-N ND-D-180	U	II				
		980 kHz							
(New) (delete assignment)	St. John's Newfoundland, N. 47°34'12", W. 52°45'29".	0.5	ND-180	U	III	170	120	401	
		1010 kHz							
CFRB (minor change in nighttime operation).	Toronto, Ontario, N. 43°30'22", W. 79°37'50".	50	DA-2	U	II				
		1540 kHz							
CFOM (change of site)	Quebec, Quebec, N. 46°48'33", W. 71°18'29".	0.25	ND-190	U	IV	180	120	275	
		1400 kHz							
CJNL-1 (change of site)	Princeton, British Columbia, N. 49°26'50", W. 120°30'42".	1D/0.25N	ND-184	U	IV	150	120	282	

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.72-7566 Filed 5-17-72;8:51 am]

FEDERAL POWER COMMISSION

[Docket No. RI72-237, etc.]

CABOT CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes to Become Effective Subject to Refund [1]

MAY 9, 1972.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Chapter I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date suspended until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Each respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*: Rate in effect	Cents per Mcf*: Proposed increased rate	Rate in effect subject to refund in docket No.
RI72-237	Cabot Corp. (SW)	52	[1] 3	El Paso Natural Gas Co. (acreage in Rio Arriba County, N. Mex.) (San Juan Basin).		4-17-72	5-18-72	[2] Accepted			
	do		4	do	$2,500	4-17-72		10-18-72	13.0	22.0	
RI72-238	Ashland Oil, Inc	211	2	Mountain Fuel Supply Co. (South Baggs Field, Moffat County, Colo.).	1,200	4-13-72		6-14-72	15.0	16.0	
RI72-239	Laurence W. Ritter	1	[1] 3	El Paso Natural Gas Co. (South Blanco Pictured Cliffs Field, Rio Arriba County, N. Mex., San Juan Basin).		4-11-72	5-12-72	[2] Accepted			
	do		4	do	458	4-11-72		10-12-72	13.0	22.0	
	do	2	[1] 4	El Paso Natural Gas Co. (West Kutz Field, San Juan County, N. Mex., San Juan Basin).		4-11-72	5-12-72	[2] Accepted			
			5	do	7	4-11-72		10-12-72	13.0	22.0	

*Unless otherwise stated, the pressure base is 15.025 p.s.i.a.
[1] Contract amendment.
[2] Accepted for filing to be effective on the dates shown in the "Effective Date" column.

The proposed increased rates, except for Ashland's increase, exceed the corresponding rate filing limitation imposed in Southern Louisiana and therefore are suspended for 5 months. Since Ashland's increase does not exceed the corresponding rate filing limitation imposed in Southern Louisiana, it is suspended for only 1 day.

The proposed increased rates and charges involved here exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

CERTIFICATION OF ABBREVIATED SUSPENSION

Pursuant to § 300.16(1)(3) of the Price Commission's rules and regulations, 6 CFR Part 1, 300 (1972), the Federal Power Commission certifies as to the abbreviated suspension period in this order as follows:

(1) This proceeding involves producer rates which are established on an area rather than company basis. This practice was established by Area Rate Proceeding, Docket No. AR61-1 et al., Opinion No. 468, 34 FPC 159 (1965), and affirmed by the Supreme Court in Permian Basin Area Rate Case, 390 U.S. 747 (1968). In such cases as this, producer rates are approved by this Commission if such rates are contractually authorized and are at or below the area ceiling.

(2) In the instant case, the requested increases do not exceed the ceiling rate for a 1-day suspension.

(3) By Order No. 423 (36 F.R. 3464) issued February 18, 1971, this Commission determined as a matter of general policy that it would suspend for only 1 day a change in rate filed by an independent producer under

section 4(d) of the Natural Gas Act (15 U.S.C. 717c(d)) in a situation where the proposed rate exceeds the increased rate ceiling, but does not exceed the ceiling for a 1-day suspension.

(4) In the discharge of our responsibilities under the Natural Gas Act, this Commission has been confronted with conclusive evidence demonstrating a natural gas shortage. (See Opinions Nos. 595, 598, and 607, and Order No. 435). In these circumstances and for the reasons set forth in Order No. 423 the Commission is of the opinion in this case that the abbreviated suspension authorized herein will be consistent with the letter and intent of the Economic Stabilization Act of 1970, as amended, as well as the rules and regulations of the Price Commission, 6 CFR Part 300 (1972). Specifically, this Commission is of the opinion that the authorized suspension is required to assure continued, adequate and safe service and will assist in providing for necessary expansion to meet present and future requirements of natural gas.

[FR Doc.72-7439 Filed 5-17-72;8:45 am]

[Dockets Nos. CI71-85 and CI72-698]

McCULLOCH OIL CORPORATION OF TEXAS

Notice of Application and Petition To Amend

MAY 8, 1972.

Take notice that on April 27, 1972, McCulloch Oil Corporation of Texas (applicant), 501 Wall Towers-East, Midland, TX 79701, filed in Docket No. CI71-85 a petition to amend the certificate of public convenience and necessity issued in said docket pursuant to section 7(c) of the Natural Gas Act by deleting therefrom authorization to sell natural gas to Arkansas Louisiana Gas Co. (Arkla) produced from certain wells in the Mathers Ranch Field, Hemphill County, Tex., all as more fully set forth in the petition to amend.

Take further notice that on April 27, 1972, applicant filed in Docket No. CI72-698 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Northern Natural Gas Co. (Northern) from production heretofore dedicated to Arkla, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that in view of the large reserves of gas developed in the Mathers Ranch Area, Arkla, purchaser under applicant's FPC Gas Rate Schedule No. 1, has agreed to release a volume of gas estimated as less than 5 percent of petitioner's interest in the Mathers Ranch Field; that these reserves will be sold to Northern; and that there may be further releases by Arkla. Applicant states further that Arkla has agreed to release the subject wells only with respect to production from the producing zones in which the wells are completed and that deliveries have not commenced from these wells. Estimated monthly deliveries to Northern are 133,090 Mcf of gas per month.

Any person desiring to be heard or to make any protest with reference to said application or petition to amend should on or before May 30, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on the application and petition to amend 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 a certificate in Docket No. CI72-698 and amendment of the order issuing the certificate in Docket No. CI71-85 are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-7498 Filed 5-17-72;8:45 am]

[Docket No. RP72-99]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Permitting Intervention, Fixing Date of Hearing, and Specifying Procedures

MAY 8, 1972.

On January 17, 1972, Transcontinental Gas Pipe Line Corp. (Transco) submitted for filing revised tariff sheets[1] to its presently effective FPC Gas Tariff, Original Volume No. 1, constituting its permanent curtailment plan pursuant to the Commission's order of November 15, 1971, approving Transco's interim curtailment plan in Docket No. RP71-118. Notice of the filing of Transco's proposed curtailment plan was issued by the Commission on January 28, 1972 (37 F.R. 2698). By order issued February 16, 1972, the Commission provided for a public hearing to be held to determine the lawfulness of the proposed tariff changes and suspended their use until July 17, 1972, and thereafter, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

Timely petitions requesting leave to intervene in this proceeding were filed by the following petitioners:

Elizabethtown Gas Co. on February 2, 1972.
Rochester Gas and Electric Corp. on February 3, 1972.
Public Service Company of North Carolina, Inc., on February 7, 1972.
United Natural Gas Co. on February 7, 1972.
Consolidated Edison Company of New York, Inc., on February 7, 1972.
Brooklyn Union Gas Co. on February 7, 1972.
South Jersey Gas Co. on February 8, 1972.
United Cities Gas Co. on February 9, 1972.
North Carolina Natural Gas Corp. on February 10, 1972.
Southern Natural Gas Co. on February 11, 1972.
New York State Electric & Gas Corp. on February 11, 1972.
Virginia Pipe Line Co. on February 14, 1972.
Public Service Electric and Gas Co. on February 14, 1972.
Long Island Lighting Co. on February 14, 1972.
Commissioners of Public Works of the city of Greenwood, S.C., on February 14, 1972.
City of New York on February 14, 1972.
Eastern Shore Natural Gas Co. on February 15, 1972.
City of Danville, Va., on February 15, 1972.
Columbia Gas Transmission Corp. on February 15, 1972.
Consolidated Gas Supply Corp. on February 15, 1972.
Philadelphia Electric Co. on Februrary 15, 1972.
Pennsylvania Gas and Water Co. on February 15, 1972.
Washington Gas Light Co. on February 15, 1972.
Piedmont Natural Gas Co., Inc., on February 15, 1972.
Atlanta Gas Light Co. on February 15, 1972.
Philadelphia Gas Works Division of UGI Corp. on February 15, 1972.
Commonwealth Natural Gas Corp. on February 16, 1972.
Carolina Pipeline Co. on February 17, 1972.
Georgia Municipal Association on March 14, 1972.
Delmarva Power & Light Co. on March 15, 1972.
Farmers Chemical Association, Inc., on March 16, 1972.

An untimely petition requesting leave to intervene in this proceeding was filed by the following petitioner:

Johns-Manville Fiber Glass, Inc., on April 6, 1972.

Notices of intervention have been filed by:

The Public Service Commission for the State of New York on February 8, 1972.
The State of North Carolina Utilities Commission on February 14, 1972.
Commonwealth of Pennsylvania and Pennsylvania Public Utility Commission on March 27, 1972.

In summary, Transco's proposed permanent curtailment plan provides:

(1) During the winter period, November 16 through April 15, a mandatory curtailment on a ratable basis will be effected on Transco's system. During this time, a customer may obtain partial or complete exemption if it curtails all of its interruptible service, except for certain minor exceptions;

[1] The tariff sheets submitted by Transco are listed in Appendix A to this order, filed as part of the original document.

(2) Any customer receiving an exemption during such winter period shall make up exempted volumes as soon as practicable by reducing its takes to a level below that to which it would otherwise be entitled;

(3) Any customer receiving an exemption during the winter period shall not, except in emergency situations make any deliveries to its interruptible customers until such exempted volumes are made up;

(4) Any customer that has not made up the exempted volumes by the end of the winter period will curtail its purchases during the succeeding summer period of April 16 through November 15, so that the weighted average curtailment percentage over the entire year, shall be the same for every customer affected by curtailment;

(5) In the event Transco is unable to meet the firm requirements of all its customers an end-use curtailment program will be instituted;

(6) A demand charge adjustment to customers under certain rate schedules will be made for curtailments due to system gas supply deficiency;

(7) At the end of the winter period, on April 15, Transco will determine the net curtailment volumes for each customer affected by curtailment, as well as a systemwide weighted average curtailment percentage. Any customer whose curtailment exceeds the systemwide weighted average curtailment during the winter period will receive a credit of 25 cents per Mcf for the volumes curtailed in excess of the systemwide weighted average curtailment;

(8) Transco will seek reimbursement for the credits to be granted by it in its billings to its customers for curtailments, in accordance with the provisions of section 20 of the general terms and conditions of its FPC Gas Tariff.

(9) ACQ customers will be exempt from all curtailments.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that this proceeding be scheduled for hearing and expedited in accordance with the procedures set forth below.

(2) Good cause exists to permit the late filing of Johns-Manville Fiber Glass, Inc.

(3) The participation of the above-named petitioners may be in the public interest.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing shall be held commencing July 11, 1972, at 10 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, concerning the lawfulness of the curtailment provisions contained in Transco's FPC Gas Tariff as proposed to be revised herein. The hearing shall begin with admission into the record of Transco's direct case, subject to appropriate motions, followed by cross-examination of Transco's witnesses. Except for very brief recesses which may be allowed by the Presiding Examiner upon a showing of good cause therefor, the hearing shall go forward immediately with cross-examination of witnesses sponsoring any direct testimony previously served by the interveners and the Commission's staff, followed by oral rebuttal, if any, by Transco with cross-examination thereon.

(B) On or before June 2, 1972, Transco shall file with the Secretary of the Commission and serve on the Commission's staff and all parties to this proceeding its direct testimony and exhibits in support of the proposed tariff sheets submitted on January 17, 1972.

(C) Any parties or the Commission's staff planning to present testimony in opposition to Transco's curtailment procedures shall on or before June 14, 1972, file with the Secretary of the Commission and serve on the Presiding Examiner, the Commission's staff, and all parties prepared written testimony in support of their positions.

(D) The above-named petitioners are hereby permitted to become interveners in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting asserted rights and interests specifically set forth in said petitions for leave to intervene; *And provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(E) A Presiding Examiner to be designated by the Chief Examiner for that purpose (see Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(F) Pursuant to § 1.18 of the Commission's rules of practice and procedure, a prehearing conference before the Presiding Examiner shall be held at 10 a.m., e.d.s.t., on June 19, 1972, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, for the purpose of expediting the orderly conduct and disposition of the hearing and providing an opportunity for the submission and consideration of facts, arguments, offers of settlement, or proposals of adjustment, for settlement of the proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-7500 Filed 5-17-72;8:46 am]

[Docket No. CP65-141 etc.]

VGS CORP.

Notice of Petition to Amend

MAY 8, 1972.

Take notice that on April 25, 1972, VGS Corp. (petitioner), 31 Swift Street, South Burlington, VT 05401, filed in Dockets Nos. CP65-142, CP69-132, and CP72-38 pursuant to section 3 of the Natural Gas Act and in Docket No. CP65-141 pursuant to Executive Order 10485 a petition requesting that the import authorizations and permit granted therein be amended to substitute Vermont Gas Systems, Inc., in lieu of petitioner as the importer/permittee, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it was issued a permit in Docket No. CP65-141 to construct, operate, maintain, and connect natural gas transmission facilities at the international boundary between the United States and Canada and that it is currently authorized in Dockets Nos. CP65-142, CP69-132, and CP72-38 to import 17,700 Mcf of gas per day from Canada to the United States. In light of a corporate reorganization petitioner requests that the permit and import authorizations be amended so that the importer/permittee therein appear as Vermont Gas Systems, Inc., a Delaware corporation, rather than VGS Corp., a Vermont corporation. Petitioner states that upon issuance of the Commission's amended authorization and the required authorization of the Vermont Public Service Board, it will transfer its assets relating to its natural gas business in Vermont to Vermont Gas Systems, Inc., which is a wholly owned subsidiary. Petitioner asserts that following the proposed transfer of assets, Vermont Gas System, Inc., will operate the facilities, including border facilities, in the same manner and with the same principal personnel as it does presently.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 30, 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.

KENNETH F. PLUMB, *Secretary.*

[F.R. Doc.72-7499 Filed 5-17-72;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 9977]

AIRLINES MUTUAL AID PACT

Notice of Postponement of Oral Argument

Notice is hereby given, that the oral argument in the above-entitled matter, now assigned to be held before the Board on June 7, 1972 (37 F.R. 8899), is hereby postponed to June 14, 1972, at 10 a.m., local time, in Room 1027, Universal

Building, 1825 Connecticut Avenue NW., Washington, DC.

Dated at Washington, D.C., May 12, 1972.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.72-7555 Filed 5-17-72;8:50 am]

[Docket No. 23708]

AIR WEST TACOMA DELETION CASE

Notice of Postponement of Hearing

Notice is hereby given that the hearing previously set for May 23, 1972 (37 F.R. 8684, April 29, 1972), has been postponed until June 6, 1972, at 10 a.m. in the City Council Chambers, 930 Tacoma Avenue South, Tacoma, WA.

Dated at Washington, D.C., May 12, 1972.

[SEAL] MERRITT RUHLEN,
Hearing Examiner.

[FR Doc.72-7556 Filed 5-17-72;8:50 am]

[Docket No. 21866-9]

DOMESTIC PASSENGER FARE INVESTIGATION

Notice of Oral Argument Regarding Phase 9—Fare Structure

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held before the Board on June 28, 1972, at 10 a.m., local time, in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC.

Dated at Washington, D.C., May 12, 1972.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.72-7557 Filed 5-17-72;8:50 am]

[Docket No. 23780 etc.; 72-5-41]

YOUTH AND STUDENT FARES IN FOREIGN AIR TRANSPORTATION

Order Instituting Investigation

Correction

In F.R. Doc. 72-7358, appearing at page 9643 in the issue of Saturday, May 13, 1972, the bracket should read as set forth above.

FEDERAL RESERVE SYSTEM

BANK SECURITIES, INC.

Acquisition of Bank

Bank Securities, Inc., Alamagordo, N. Mex., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 62.6 percent or more of the voting shares of First National Bank of Clovis, Clovis, N. Mex. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 5, 1972.

Board of Governors of the Federal Reserve System, May 10, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-7501 Filed 5-17-72;8:46 am]

FRISCO-DILLON, INC.

Formation of Bank Holding Company

Frisco-Dillon, Inc., Lincoln, Nebr., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 81.8 percent or more of the voting shares of Summit County Bank, Frisco, Colo. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 5, 1972.

Board of Governors of the Federal Reserve System, May 10, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-7502 Filed 5-17-72;8:46 am]

SOUTHWEST BANCSHARES, INC.

Acquisition of Bank

Southwest Bancshares, Inc., Houston, Tex., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 51 percent or more of the voting shares of the First National Bank at Brownsville, Brownsville, Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 5, 1972.

Board of Governors of the Federal Reserve System, May 10, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-7503 Filed 5-17-72;8:46 am]

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

EMERGENCY DELIVERY OF COLORADO RIVER WATER

Notice of Availability of Environmental Statement and Request for Comments

Pursuant to the National Environmental Policy Act of 1969, notice is hereby given that this agency has prepared a draft statement which discusses environmental considerations relating to "Emergency Delivery of Colorado River Water to Tijuana, Baja California, Mexico via Facilities in California." A copy of the statement is being placed in the Office of the Country Director for Mexico, Room 3906-A, Department of State, 21st Street and Virginia Avenue NW., Washington, DC, in the office of the Resident Engineer, U.S. Section, International Boundary and Water Commission, 403 Custom and Court House, 305 West F Street, San Diego, CA 92101, and in the office of the U.S. Section, Chief of Planning and Reports, 809 Southwest Center, El Paso, TX. The environmental analysis statement was prepared in connection with the proposed emergency delivery, for a period not to exceed 5 years, of Colorado River water to Tijuana, Baja California, via conveyance facilities in California.

Comments are particularly invited from State and local agencies or groups which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved, and from which comments have not been specifically requested. Comments are also requested from any interested individual or association.

Due to the emergency situation caused by the shortage of water in Tijuana, Baja California, Mex., comments are requested from all interested agencies and parties on or before June 12, 1972. Because of the urgency no extension will be granted.

Comments concerning the environmental effect of the proposed emergency delivery of Colorado River water to Tijuana, Baja California, via facilities in California should be addressed to D. D. McNealy, Principal Engineer, Post Office Box 1859, El Paso, TX 79950.

Copies of the draft statement, dated May 5, 1972, and the comment thereon of Federal and State agencies (whose comments are being separately requested by the U.S. Section) will be supplied to such local agencies, individuals or associations upon request addressed to the Commissioner, U.S. Section, International Boundary and Water Commission, Post Office Box 1859, El Paso, TX 79950.

Dated at El Paso, Tex., this 11th day of May 1972.

FRANK P. FULLERTON,
Special Legal Assistant.

[FR Doc.72-7562 Filed 5-17-72;8:50 am]

OFFICE OF EMERGENCY PREPAREDNESS

MICHIGAN

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Michigan, dated April 5, 1972, and published April 11, 1972 (37 F.R. 7184), is hereby amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 5, 1972:

The County of: Ionia.

Dated: May 11, 1972.

G. A. LINCOLN,
Director, Office of Emergency Preparedness.

[FR Doc.72-7497 Filed 5-17-72;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

APPLIED DEVICES CORP.

Order Suspending Trading

MAY 11, 1972.

The common stock, $0.50 par value, of Applied Devices Corp. being traded on the American Stock Exchange, and otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such security on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15 (c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 13, 1972, through May 22, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-7518 Filed 5-17-72;8:46 am]

[File No. 500-1]

CANADIAN JAVELIN, LTD.

Order Suspending Trading

MAY 11, 1972.

The common stock, no par value, of Canadian Javelin, Ltd., being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such security on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15 (c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from May 16, 1972, through May 25, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-7519 Filed 5-17-72;8:46 am]

[70-5191]

CONSOLIDATED NATURAL GAS CO., ET AL.

Notice of Proposed Acquisition of Notes and Capital Stock of Subsidiary Companies, Open Account Advances to Subsidiary Companies, and Issue and Sale of Commercial Paper and Short-Term Notes to Banks

MAY 12, 1972.

Notice is hereby given that Consolidated Natural Gas Co. (Consolidated), 30 Rockefeller Plaza, New York, NY 10020, a registered holding company, and its subsidiary companies Consolidated System LNG Co. (LNG Company), Consolidated Gas Supply Corp. (Gas Supply), the East Ohio Gas Co. (East Ohio), the Peoples Natural Gas Co. (Peoples), the River Gas Co. (River), and West Ohio Gas Co. (West Ohio), have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 6(b), 7, 9(a), 10, 12(b), and 12(f) of the Act and Rules 43, 45, and 50(a)(2) promulgated thereunder as variously 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.

Consolidated proposes, from time to time during 1972, to make loan aggregating up to $50 million to the subsidiary companies and in the amounts set forth in the table below, for the purpose of financing capital expenditures. The proposed loans will be evidenced by long-term notes to be issued by the respective subsidiary companies and acquired by Consolidated. The notes will be dated as of the date of issuance, will bear an interest rate substantially equal to the effective cost of money to Consolidated in respect of its prospective issuance and sale of $50 million principal amount of debentures, and will be payable from 1977 through 1997 in amounts paralleling the sinking fund and maturity terms of the said debentures (see Holding Company Act Release No. 17562, May 4, 1972).

Consolidated also proposes to issue and sell up to $55 million of short-term notes to a group of 42 banks during 1972. Such notes will bear interest at the prime commercial rate in effect from time to time at the Chase Manhattan Bank with changes in the interest rate becoming effective on the business day following any change at said bank. Prepayments may be made in whole or in part, from time to time, upon 5 days' notice, without penalty or premium. There will be no closing or related charges or commitment fee with respect to the obtaining of such bank loans. The notes will mature not more than 12 months from the date of the first borrowing.

Consolidated proposes to use the proceeds from said bank borrowings to make open account advances to its subsidiary companies aggregating up to $55 million for gas storage inventories, payable as gas is withdrawn and sold during the 1972-73 heating season. The advances to subsidiary companies will bear interest at the same rate as the related bank borrowings by Consolidated and will be made in amounts as set forth in the table below. Also shown on the following table are open-account advances which Consolidated proposes to make to the subsidiary companies for working capital requirements, from part of the proceeds of Consolidated's proposed sale (hereinafter more fully described) of $30 million of commercial paper and/or borrowings from a bank. These advances will be repaid not more than 1 year from the date of the first advance to each subsidiary with interest at substantially the same effective rate as incurred by Consolidated on the said commercial paper sale and/or bank borrowing.

Subsidiary company	Long-term notes	Advances for seasonal increase in gas storage inventories	Advances for working capital requirements
LNG Co.	$3,500,000	----------	$11,800,000
Gas Supply	27,900,000	$30,500,000	4,700,000
East Ohio	9,700,000	16,000,000	3,300,000
Peoples	7,700,000	8,500,000	150,000
West Ohio	850,000	----------	50,000
River	350,000	----------	----------
Total	50,000,000	55,000,000	20,000,000

Consolidated further proposes to acquire, and the subsidiary companies set forth below propose to issue and sell to Consolidated, from time to time during 1972, capital stock up to the following amounts at the par value thereof:

Subsidiary Company	Number of shares	Aggregate par value
Gas Supply	60,000 ($100 Par)	$6,000,000
Peoples	22,000 ($100 Par)	2,200,000
LNG Co.	10,000 ($100 Par)	1,000,000
Total		9,200,000

The proceeds derived from the proposed sale of stock will be used for capital expenditures. Consolidated will use internal cash sources for the funds required to purchase such stock.

As indicated above, Consolidated proposes to issue and sell commercial paper, in the form of short-term promissory notes payable to bearer, in the aggregate face amount not to exceed $30 million outstanding at any one time to a dealer in commercial paper from time to time up to May 15, 1973. The commercial paper will have varying maturities of not more than 270 days after the date of issue and will be issued and sold in varying denominations of not less than $50,000 and not more than $1 million directly to the dealer at a discount which will not be in excess of the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and like maturities. Consolidated proposes to sell commercial paper only so long as the discount rate or the effective interest cost for such commercial paper does not exceed the equivalent cost of borrowings from commercial banks on the date of sale.

No commission or fee will be payable by Consolidated in connection with the issue and sale of such commercial paper notes. The dealer, as principal, will reoffer such notes at a discount not to exceed one-eighth of 1 percent per annum less than the prevailing discount rate to Consolidated. Such notes will be reoffered to not more than 200 identified and designated customers in a list (nonpublic) prepared in advance by the dealer. It is anticipated that the commercial paper will be held by customers to maturity; however, if any commercial paper is repurchased by the dealer pursuant to repurchase agreement, such paper will be reoffered to others in the group of 200 customers. The issue and sale of commercial paper is to provide up to $20 million for the making of working capital advances to subsidiary companies as indicated above, and up to $10 million for working capital requirements of Consolidated.

Consolidated proposes, to the extent that it becomes impracticable to issue commercial paper, to borrow, repay, and reborrow from the Chase Manhattan Bank, from time to time up to May 15, 1973, an aggregate principal amount not to exceed $30 million outstanding at any one time, at the prime commercial rate of interest in effect on the date of each borrowing, upon the promissory note or notes of Consolidated having a maturity date not more than 90 days from the date of each borrowing, and with the right of prepayment in whole or in part at any time or from time to time without prior notice and without premium. The amount of commercial paper notes and notes payable to commercial banks will not collectively exceed $30 million outstanding at any one time. There will be no closing or related charges with respect to the obtaining of such bank loans.

Consolidated requests exception from the competitive bidding requirements of Rule 50 with respect to the commercial paper, stating that such commercial paper will have maturities of 9 months or less, that current rates for commercial paper for prime borrowers, such as Consolidated, are published daily in financial publications, and that it is not practical to invite competitive bids for commercial paper. Consolidated also proposes that the Rule 24 certificates of notification regarding the issue and sale of the commercial paper and the subsidiary company financing be filed on a quarterly basis.

The application-declaration states that the Public Service Commission of West Virginia has jurisdiction over the proposed long-term and short-term borrowings of Gas Supply and that the Public Utilities Commission of Ohio has jurisdiction over the long-term borrowings proposed by East Ohio, River, and West Ohio. It is further stated that the Pennsylvania Public Utility Commission has jurisdiction over the long-term borrowings proposed by Peoples and 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 proposed transactions are estimated to not exceed $8,750, including $6,000 for service company charges, at cost. All of such fees and expenses are to be paid by Consolidated.

Notice is further given that any interested person may, not later than June 9, 1972, request in writing that a hearing be held in respect of 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 should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants 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.72-7520 Filed 5-17-72;8:46 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

MAY 11, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value, of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 15, 1972, through May 24, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-7521 Filed 5-17-72;8:46 am]

[File No. 500-1]

ECOLOGICAL SCIENCE CORP.

Order Suspending Trading

MAY 11, 1972.

The common stock, 2 cents par value, of Ecological Science Corp. being traded on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange and the Pacific Coast Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Ecological Science Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such security on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned

exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 13, 1972, through May 22, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-7522 Filed 5-17-72;8:47 am]

[File No. 500-1]

FIRST FIDELITY CO.

Order Suspending Trading

MAY 11, 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 16, 1972, through May 25, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-7523 Filed 5-17-72;8:47 am]

[File No. 500-1]

INTER-ISLAND MORTGAGEE CORP.

Order Suspending Trading

MAY 11, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value, of Inter-Island Mortgagee Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from May 15, 1972, through May 24, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-7524 Filed 5-17-72;8:47 am]

[File No. 500-1]

MERIDIAN FAST FOOD SERVICES, INC.

Order Suspending Trading

MAY 11, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of Meridian Fast Food Services, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from May 16, 1972, through May 25, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-7525 Filed 5-17-72;8:47 am]

[812-3158]

SMITH, BARNEY & CO., INC.

Notice of Filing of Application for an Order of Exemption

MAY 12, 1972.

Notice is hereby given that Smith, Barney & Co., Inc. (Applicant), 1345 Avenue of the Americas, New York, NY 10019, a registered broker-dealer and, together with Dain, Kalman & Quail, Inc., prospective representatives of a group of underwriters to be formed in connection with a proposed public offering of shares of common stock of St. Paul Securities, Inc. (Company), a closed-end diversified management investment company registered under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 6(c) of the Act for an order exempting Applicant, its corepresentative and their counderwriters, in connection with their transactions incidental to the distribution of the Company's shares, from section 30(f) of the Act to the extent 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 contained therein, which are summarized below.

Section 30(f) of the Act provides, in part, that every person who is directly or indirectly the beneficial owner of more than 10 per centum of any class of outstanding securities of which a registered closed-end investment company is the issuer shall, in respect of his transactions in any securities of such company, be subject to the same duties and liabilities as those imposed by section 16 of the Exchange Act upon certain beneficial owners, directors and officers in respect of their transactions in certain equity securities.

Section 16(a) of the Exchange Act requires insiders to file reports of their holdings and any changes in their holdings, and section 16(b) makes such insiders liable for short-term trading profits.

Shares of the Company are to be purchased by the underwriters pursuant to an underwriting agreement to be entered into between the underwriters, represented by Applicant and its corepresentative, and the Company.

In addition to purchases from the Company and sales 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.

The participants in the underwriting syndicate and the size of their participation have not yet been determined. It is possible, however, that the underwriting commitments of one or more of the underwriters, including Applicant, will exceed 10 percent of the aggregate number of shares of the Company's capital stock outstanding after the purchase by the several underwriters pursuant to the underwriting agreement or upon the completion of the initial public offering or at some interim time, thereby causing such underwriters to become subject, by reason of section 30(f) of the Act, to the same duties and liabilities as those imposed by section 16 of the Exchange Act. As a result, such 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 and upon any other purchases and sales in connection with the distribution as indicated below, subject to the liabilities imposed by section 16(b) of the Exchange Act.

It is represented 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 and that, therefore, the purchases and sales will be transactions effected in connection with a distribution of a substantial block of securities within the purpose and spirit of rule 16b-2 under the Exchange Act which exempts certain transactions in connection with a distribution of securities from the operation of section 16(b) thereof. However, rule 16b-2(a)(3) under the Exchange Act requires that the aggregate participation of persons not within the purview of section 16(b) of the Exchange Act be at least equal to the participation of persons receiving the exemption under rule 16b-2. Since the underwriters who, pursuant to the underwriting agreement, will purchase more than 10 percent of the shares of the company may be obligated to purchase more than 50 percent of the shares of the company being offered, it is possible that one or more of such underwriters, including Applicant and its corepresentative, may not, therefore, be exempted by the operation of rule 16b-2 from the duties and liabilities imposed by section 16(b).

Applicant represents that there is no "inside information" in existence with respect to the Company since the Company, prior to the initial distribution of the shares, will have no assets (other than cash) or will not have engaged in a business of any sort, and all material information will be set forth in the prospectus pursuant to which the Company's shares will be offered and sold.

Applicant submits 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. Applicant further contends that the transactions sought to be exempted cannot be used for the practices which section 16 (b) of the Exchange Act is intended to prevent.

Section 6(c) authorizes the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and the rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than June 2, 1972 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant with the address stated above. Proof of such services (by affidavit or, in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued 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.72-7526 Filed 5-17-72;8:47 am]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.) and Administrative Order No. 621 (36 F.R. 12819) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number of proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

Apparel Industry Learner Regulations (20 CFR 522.1 to 522.9, as amended and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Aalfs Manufacturing Co., Le Mars, Iowa; 2–13–72 to 2–12–73; 10 learners (boys' jeans).

Acme Garment Co., Wentzville, Mo.; 3–8–72 to 3–7–73; 10 learners (women's shorts, pants, shifts, and blouses).

Angelica Corp., Mountain View, Mo.; 3–16–72 to 3–15–73 (men's washable service apparel).

Ardmore Industries, Inc., Ardmore, Tenn.; 3–8–72 to 3–7–73 (men's and boys' pants).

Berlin Manufacturing Co., Inc., Berlin, Md.; 3–4–72 to 3–3–73; 10 learners (men's work pants).

Brew-Schneider Manufacturing Co., Inc., Blakely, Ga.; 2–16–72 to 2–15–73 (washable service garments).

Carolina Sportswear Co., Warrenton, N.C.; 3–16–72 to 3–15–73 (men's and boys' knit shirts).

Chester Manufacturing Co., Henderson, Tenn.; 1–31–72 to 1–30–73 (juveniles' pants).

Colshire Manufacturing Co., Inc., Morgantown, W. Va.; 2–1–72 to 1–31–73 (men's pajamas).

Cordele Uniform Co., Cordele, Ga.; 3–2–72 to 3–1–73 (men's and women's washable service apparel).

Covington Industries, Inc., Florala, Ala.; 3–16–72 to 3–15–73; 10 learners (men's pants).

Diaper Jeans, Inc., Denison, Tex., 2–11–72 to 2–10–73 (infants' and children's wear).

Dillon Manufacturing Co., Savannah, Tenn.; 2–18–72 to 2–17–73 (men's and women's washable service apparel).

Dover Mills, Inc., Pisgah, Ala.; 3–17–72 to 3–16–73 (children's knit shirts and woven pants).

Eastwill Sportswear Co., Inc., Greenwood, S.C.; 2–2–72 to 2–1–73 (men's and boys' sport and dress shirts).

Edison Textiles, Inc., Edison, Ga.; 2–9–72 to 2–8–73 (infants' and girls' panties and toddlers' and girls' sportswear).

Edison Textiles, Inc., Fort Gaines, Ga.; 3–8–72 to 3–7–73; 10 learners (infants' and girls' panties, shorts, slacks, and sunsuits).

Elder Manufacturing Co., McLeansboro, Ill.; 2–7–72 to 2–6–73 (men's and boys' dress and sport shirts).

Emporia Garment Co., Emporia, Va.; 2–16–72 to 2–15–73 (children's dresses).

Enro Shirt Co., Inc., Madisonville, Ky.; 2–1–72 to 1–3–73 (men's sport shirts).

Fred Ronald Manufacturing Co., Neodesha, Kans.; 3–14–72 to 3–13–73; 10 learners (boys' pants).

Henry I. Siegel Co., Bruceton, Tenn.; 3–14–72 to 3–13–73 (men's and boys' pants).

F. Jacobson & Sons, Inc., Seymour, Ind.; 3–6–72 to 3–5–73 (men's dress shirts).

Jay Garment Co., Brookville, Ind.; 2–3–72 to 2–2–73 (boys' and men's pants).

Jay Garment Co., Portland, Ind.; 2–5–72 to 2–4–73 (men's work and casual clothing).

Jay Garment Co., Clarksville, Tenn.; 2–22–72 to 2–21–73 (men's work clothing).

Jomax Garment Co., Inc., York, Pa.; 2–13–72 to 2–12–73 (ladies' dresses).

Kellwood Co., Sunbright, Tenn.; 3–1–72 to 2–28–73 (boys' shirts).

Levi Strauss & Co., Warsaw, Va.; 1–30–72 to 1–29–73 (men's pants).

M & G Sportswear, Inc., Fall River, Mass.; 3–17–72 to 3–16–73 (children's sportswear and outerwear).

Manhattan Shirt Co., Ashburn, Ga.; 3–13–72 to 3–12–73 (men's shirts and pajamas).

Michael Berkowitz Co., Inc., Waynesburg, Pa.; 2–16–72 to 2–15–73 (ladies' and men's pajamas).

Mid South Manufacturing Co., Richton, Miss.; 2–11–72 to 2–10–73 (men's work pants).

Mode O'Day Co., Ottawa, Kans.; 2–16–72 to 2–15–73; 10 learners (women's, misses', and junior's dresses and women's and misses' loungewear).

Monleigh Garment Co., Inc., Mocksville, N.C.; 3–1–72 to 2–28–73 (men's shirts and ladies' blouses).

Prairie Manufacturing Co., East Prairie, Mo.; 3–13–72 to 3–12–73 (men's and boys' pants).

Publix Shirt Corp., Hazleton, Pa.; 2–3–72 to 2–2–73 (men's and boys' dress and sport shirts).

Red Kap Industries, Wartburg, Tenn.; 3–1–72 to 2–28–73 (men's work shirts).

Reidbord Brothers Co., Plant No. 2, Elkins, W. Va.; 3–11–72 to 3–10–73 (men's and boys' pants).

Ringtex Mills, Inc., Metter, Ga.; 2–28–72 to 2–27–73 (ladies' blouses and children's shirts).

Ronella Sportswear, Inc., Clarkton, N.C.; 2–4–72 to 2–3–73; five learners (ladies' and children's blouses and pants).

Rosebud Manufacturing Co., Vidalia, Ga.; 2–1–72 to 1–31–73 (women's lingerie).

Rowland Manufacturing Co., Rowland, N.C.; 2–11–72 to 2–10–73 (men's and boys' shirts).

Sharon Manufacturing Co., Sharon, Tenn.; 2–24–72 to 2–23–73 (children's pajamas).

Smith Brothers Manufacturing Co., Columbus, Kans.; 2–13–72 to 2–12–73; 10 learners (boys' jeans).

Smith Brothers Manufacturing Co., Carthage, Mo.; 2–10–72 to 2–9–73 (men's overall, coveralls, and jeans).

Smith Brothers Manufacturing Co., Lamar, Mo.; 2–10–72 to 2–9–73 (men's work jackets and jeans and boys' jeans).

Somerville Manufacturing Co., Inc., Somerville, Tenn.; 3–10–72 to 3–9–73 (men's pants).

Soperton Manufacturing Co., Soperton, Ga.; 2–9–72 to 2–8–73 (men's sport shirts).

Southeastern Garment Corp., Clinton, N.C.; 3–6–72 to 3–5–73; 10 learners (boys' outerwear and shirts).

Sparta Garment Co., Inc., Sparta, Ga.; 2–1–72 to 1–31–73 (men's and boys' trousers).

Tennessee Overall Co., Inc., Tullahoma, Tenn.; 1–29–72 to 1–28–73 (men's pants).

Wentworth Manufacturing Co., Lake City, S.C.; 3–5–72 to 3–4–73 (women's dresses).

White Stag Manufacturing Co., Checotah, Okla.; 2–26–72 to 2–25–73 (children's and women's sportswear).

The following plant expansion certificates were issued authorizing the number of learners indicated:

Jonbil Manufacturing Co., Inc., Danville, Va.; 2–11–72 to 8–10–72; 15 learners (men's and boys' pants).

Ronco Manufacturing Co., Ronco, Pa.; 3–20–72 to 9–19–72; 19 learners (boys' jackets).

Cigar Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.80 to 522.85, as amended):

Jno. H. Swisher & Son, Inc., Cullman, Ala.; 2-1-72 to 1-31-73; 10 percent of the total number of factory production workers for normal labor turnover purposes (cigars).

Jno. H. Swisher & Son, Inc., Jacksonville, Fla.; 2-1-72 to 1-31-73; 10 percent of the total number of factory production workers for normal labor turnover purposes (cigars).

Jno. H. Swisher & Son, Inc., Waycross, Ga.; 2-1-72 to 1-31-73; 10 percent of the total number of factory production workers for normal labor turnover purposes (cigars).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.60 to 522.65, as amended):

Banner Elk Glove Co., Banner Elk, N.C.; 2-14-72 to 2-13-73; 10 percent of the total number of machine stitchers for normal labor turnover purposes (canvas and leather palm work gloves).

Good Luck Glove Co., Vienna, Ill.; 3-13-72 to 9-12-72; nine learners for plant expansion purposes (cotton work gloves).

Mid West Glove Corp., Chillicothe, Mo.; 2-25-72 to 2-24-73; 10 percent of the total number of machine stitchers for normal labor turnover purposes (leather, leather palm, and cotton work gloves).

Mountain City Glove Manufacturing Co., Inc., Shouns, Tenn.; 1-29-72 to 1-28-73; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.40 to 522.43, as amended):

Charles H. Bacon Co., Inc., Lenoir City, Tenn.; 3-6-72 to 3-5-73; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's and children's hosiery).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.30 to 522.35, as amended):

East Tennessee Undergarment Co., Elizabethton, Tenn.; 2-3-72 to 2-2-73; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' and children's underwear).

Glennville Lingerie Corp., Glennville, Ga.; 2-14-72 to 8-13-72; 11 learners for plant expansion purposes (women's underwear).

H. W. Gossard Co., Bristow, Okla.; 2-3-72 to 2-2-73; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's underwear and nightwear).

Hazlehurst Manufacturing Co., Inc., Hazlehurst, Ga.; 2-21-72 to 2-20-73; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's underwear).

Mistee Lingerie, Inc., Boyertown, Pa.; 2-11-72 to 2-10-73; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's lingerie).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employed, are indicated:

Adela Manufacturing Corp., Rio Grande, P.R.; 12-29-71 to 12-28-72; 10 learners for normal labor turnover purposes in the occupations of sewing machine operating and final pressing, each for a learning period of 320 hours at the rate of $1.14 an hour (men's cotton shorts).

Alfredo Manufacturing Corp., Rio Grande, P.R.; 12-29-71 to 12-28-72; 20 learners for normal labor turnover purposes in the occupations of sewing machine operating and final pressing, each for a learning period of 320 hours at the rate of $1.14 an hour (men's cotton pajamas).

Bayuk Caribe, Inc., Ciales, P.R.; 12-27-71 to 10-3-72; 10 learners for normal labor turnover purposes in the occupations of cigar making and packing, each for a learning period of 320 hours at the rates of $1.38 an hour for the first 160 hours and $1.48 an hour for the remaining 160 hours (cigars) (replacement).

Bayuk Ciales, Inc., Ciales, P.R.; 12-27-71 to 9-1-72; 10 learners for normal labor turnover purposes in the occupation of machine stripping, for a learning period of 160 hours at the rate of $1.38 an hour (machine stripping) (replacement).

Caguas Tobacco and Processing Corp., Caguas, P.R.; 12-27-71 to 10-22-72; 10 learners for normal labor turnover purposes in the occupation of machine stripping, for a learning period of 160 hours at the rate of $1.38 an hour (tobacco) (replacement).

R. B. Tobacco Corp., Caguas, P.R.; 12-27-71 to 10-26-72; 10 learners for normal labor turnover purposes in the occupation of machine stripping for a learning period of 160 hours at the rate of $1.38 an hour (tobacco) (replacement).

Rio Monte Manufacturing Corp., Rio Grande, P.R.; 12-29-71 to 12-28-72; 11 learners for normal labor turnover purposes in the occupations of sewing machine operating and final pressing, each for a learning period of 320 hours at the rate of $1.14 an hour (men's cotton pajamas).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 9th day of May 1972.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[FR Doc.72-7514 Filed 5-17-72;8:49 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

MAY 15, 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 94350 Sub 299, Transit Homes, Inc., assigned June 19, 1972, at Kansas City, Mo., will be in Room 148A, New Federal Building, 601 East 12th Street, MC 117815 Sub 180, Pulley Freight Lines, Inc., and MC 119493 Sub 80, Monkem Co., Inc., assigned June 12, 1972, will be in Room 114, New Federal Building, 601 East 12th St., Kansas City, MO., and MC 134966 Sub 1, Clear Water Truck Co., Inc., assigned June 15, 1972, at Kansas City, Mo., will be in Room 140, New Federal Building, 601 East 12th Street.

MC 95084 Sub 82, Hove Truck Line, assigned June 13, 1972, at Kansas City, Mo., will be in Room 301, Old Federal Building, 911 Walnut Street.

MC 19157, and MC 19157 Sub 9, McCormack's Highway Transportation, Inc. now assigned July 13, 1972, at Washington, D.C., is canceled and transferred to modified procedure.

MC 35320 Sub 128, T. I. M. E.-DC, INC., assigned hearing July 19, 1972 at Nashville, Tenn., in a hearing room later to be designated.

MC 128527 Sub 24, May Trucking Co., now assigned July 24, 1972, at San Francisco, Calif., postponed indefinitely.

MC 51146 Sub 251, Schneider Transport, Inc., and MC 128273 Sub 120, Midwestern Express, Inc., now assigned July 17, 1972, at Washington, D.C., will be held in the Offices of the Interstate Commerce Commission, Wash., D.C.

MC 124170 Sub 27, Frostways, Inc., now assigned July 19, 1972, hearing will be held in the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 133095 Sub 19, Texas Continental Express, Inc., now assigned July 12, 1972, hearing will be held in the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 136320, Griffin Block and Sand Co., now assigned July 24, 1972, hearing will be held at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-11372, Roadway Express, Inc.—Control & Merger—Poole Transfer, Inc., now being assigned hearing July 17, 1972 (1 week), at Chicago, Ill., in a hearing room to be later designated.

MC 80428 Sub 74, McBride Transportation, Inc., MC 114123 Subs 36 and 38, Herman R. Ewell, Inc., and MC 126427 Sub 9, Palmer Transportation, Inc., now being assigned hearing June 21, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-7576 Filed 5-17-72;8:52 am]

[Notice 70]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 12, 1972.

The following are notices of filing of applications[1] for temporary authority

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67, (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 3854 (Sub-No. 18 TA), filed May 1, 1972. Applicant: BURTON LINES, INC., Post Office Box 11306, East Durham Station, 915 Ellis Road, Durham, NC 27703. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural pesticides*, in containers, when moving in mixed loads with fertilizer, from Greensboro, N.C., to points in Virginia and points in Mercer, Wyoming, Nicholas, Raleigh, Summers, Monroe, McDowell, Greenbriar, and Fayette Counties, W. Va., for 180 days. Supporting shipper: USS Agri-Chemicals, division of United States Steel Corp., 30 Pryon Street SW., Atlanta, GA. Mail: Post Office Box 1685, Atlanta, GA 30301. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 26896, Raleigh, NC 27611.

No. MC 10655 (Sub-No. 13 TA), filed May 1, 1972. Applicant: ROETHLISBERGER TRANSFER COMPANY, 30 Mohican Street, Post Office Box 495, Shelby, OH 44875. Applicant's representative: Reece T. Clemens (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Kitchens and/or laundry systems*, from points in Richland County, Ohio, to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Kentucky, Ohio, Michigan, Indiana, Illinois, Wisconsin, Mississippi, Louisiana, Arkansas, Missouri, Iowa, Minnesota, and the District of Columbia; (b) *equipment, material, and supplies* used in the manufacture of kitchens and/or laundry systems (except commodities in bulk), from Richmond, Ind., Freeland, Pa., Walled Lake and Gaylord, Mich., Galesburg, Ill., Dayton, Tenn., Philadelphia, Pa., Hartford, Conn., and Farmington, Mich., to points in Richland County, Ohio. Restriction: Restricted to traffic originating at or destined to the plantsites of the Tappan Co., in Richland County, Ohio, for 180 days. Supporting shipper: Tappan, 250 Wayne Street, Mansfield, OH 44902. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 534 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 107496 (Sub-No. 847 TA), filed May 2, 1972. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third Street, Post Office Box 855, 50304, Des Moines, IA 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tallow*, in bulk, in tank vehicles, from Minneapolis, Minn., to Grandin, N. Dak. for 150 days. Supporting shipper: Checkerboard Grain Co., Division of Ralston Purina, Post Office Box 15056, Commerce Station, Minneapolis, MN 55415. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 107496 (Sub-No. 848 TA), filed May 4, 1972. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third Street, Post Office Box 855, 50304, Des Moines, IA 50309. Applicant's representative: H. L. Fanritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash*, in bulk, in tank vehicles, from Lawrence, Kans., to points in Missouri (except points in the St. Louis commercial zone), Iowa, Nebraska, and Oklahoma, for 150 days. Supporting shipper: FMC Corp., 633 Third Avenue, New York, NY 10017. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 107496 (Sub-No. 849 TA), filed May 2, 1972. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third Street, Post Office Box 855, 50304, Des Moines, IA 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed*, in bulk, in tank vehicles, from Muscatine, Iowa, to points in Missouri, for 150 days. Supporting shipper: Supersweet Feeds, Division of International Multifoods, 1200 Investors Building, Minneapolis, Minn. 55402. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 111729 (Sub-No. 343 TA), filed May 2, 1972. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, audit and accounting media of all kinds*, (a) between Madison, Wis., on the one hand, and, on the other, points in Illinois and Iowa, (b) between Elk Grove Village, Ill., and Cincinnati, Ohio; (2) *small parts, components and supplies* such as *drums, motors, components of electronic photocopying equipment, photo copying paper, dry ink and copying fluid*, restricted against the transportation of commodities in bulk and of packages or articles weighing in the aggregate more than 200 pounds from one consignor to one consignee on any one day, between Madison, Wis., on the one hand, and, on the other, points in Illinois and Iowa; and (3) *biological laboratory samples, blood specimens, serum specimens, urine specimens, business papers, records, audit and accounting media*, between Morristown, N.J., and Philadelphia, Pa., for 180 days. Supporting shippers: Xerox Corp., 3000 Des Plaines Avenue, Des Plaines, IL 60018; Diagnostic Sciences, Inc., 36 Elm Street, Morristown, NJ 07960; Rex Sales Corp., 1775 Lively Boulevard, Elk Grove Village, IL 60007. Send protests to: Thomas W. Hopp, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 111729 (Sub-No. 344 TA), filed May 1, 1972. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ophthalmic goods, and business papers, and records moving therewith*, (a) between Baltimore, Md., on the one hand, and on the other, Norfolk and Richmond, Va.; New York, N.Y.; Philadelphia, Pa.; and Pennsauken, N.J.; (b) between Washington, D.C., and Richmond, Va.; (2) *whole blood, blood components, blood derivatives, and business papers, records, audit and accounting media* moving therewith, between Johnstown, Pa., on the one hand, and, on the other, points in the District of Columbia, Maryland, Ohio, and West Virginia; (3) *microfilm, exposed, unexposed and processed, and business papers, records, and audit and accounting media of all kinds*, between Paramus and Pennsauken, N.J., on the one hand, and, on the other, Bethlehem and Camp Hill, Pa., Wilmington, Del., New Haven and Hartford, Conn., East Providence, R.I., and Bedford, N.H; and (4) *small emergency office machine parts*, restricted against the transportation of packages or articles weighing in the aggregate more than 50 pounds from one consignor to one consignee, on any day, between Paramus and Pennsauken, N.J., on the one hand, and, on the other, Bethlehem and Camp Hill,

Pa.; Wilmington, Del., New Haven, and Hartford, Conn., East Providence, R.I., and Bedford, N.H., for 180 days. Supporting shippers: New City Optical Co., Inc., 108–110 Clay Street, Baltimore, Md. 21201; American Red Cross, Johnstown Regional Red Cross Blood Center, 244 Walnut Street, Johnstown, Pa.; Minnesota Mining and Manufacturing Co., St. Paul, Minn. 55101. Send protests to: Thomas W. Hopp, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 119641 (Sub-No. 104 TA), filed May 1, 1972. Applicant: RINGLE EXPRESS, INC., 450 East Ninth Street, Post Office Box 471, Fowler, IN 47944. Applicant's representative: L. A. Maciolek, Route 1, Box 335, Moline, IL 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors) *and tractor parts thereof when moving therewith*, from Ford Tractor Operations Plant, Highland Park, Mich., to points in Indiana, Ohio, that part of Illinois east of U.S. Highway 51 and north of U.S. Highway 50, that part of Kentucky east of Highway 127, that part of New York west of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 219 to Hamburg, N.Y., and thence along U.S. Highway 62 to Niagara, N.Y., that part of Pennsylvania west of U.S. Highway 219, and that part of West Virginia west of U.S. Highway 219. Restriction: Restricted to shipments originating at the Ford Tractor Operations Plant, Highland Park, Mich., for 150 days. Supporting shipper: Ford Tractor Operations, J. O. Darnell, Supervisor Ford Motor Co., 2500 East Maple Road, Troy, MI 48048. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 126270 (Sub-No. 3 TA), filed May 2, 1972. Applicant: COMPTON SERVICE COMPANY, 1218 South Vendeventer Street, St. Louis, MO 63110. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Kitchen equipment*, as described in appendix IV and *electrical appliances, equipment, and parts* as described in appendix VII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 *new furniture (uncrated) bicycles, gym sets, lawn mowers, athletic and sporting goods and equipment* from Famous Barr Co., from St. Louis, Mo., and points in St. Louis County, Mo., to points in that part of Illinois on and within a line beginning at the Mississippi River at or near Mozier, Ill., and extending east along Illinois Highway 96 to junction Illinois Highway 108, thence east along Illinois Highway 108 to junction Interstate Highway 55, thence south along Interstate Highway 55 to junction Illinois Highway 16, thence east along Illinois Highway 16 to junction Illinois Highway 127, thence south along Illinois Highway 127 to junction Illinois Highway 154, thence west along Illinois Highway 154 to junction Illinois Highway 150, thence southwest along Illinois Highway 150 to the Mississippi River at or near Chester, Ill., with no transportation for compensation on return except as otherwise authorized, for 180 days. Supporting shipper: Famous Barr Co., 601 Olive Street, St. Louis, MO 63101. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, 210 North 12th Street, Room 1465, St. Louis, MO 63101.

No. MC 127762 (Sub-No. 2 TA), filed May 2, 1972. Applicant: CONTRACT CARRIERS, INC., Post Office Box 444, Ellensburg, WA 98926. Applicant's representative: Don Williams (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Bulk flour*, from Spokane, Wash., to Lewiston, Idaho, over U.S. Highway 195, for 180 days. Supporting shipper: Centennial Mills, division of VWR United Corp., Post Office Box 3773, Portland, OR 97208. Send protests to: W. J. Huetig, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 128030 (Sub-No. 35 TA), filed May 2, 1972. Applicant: THE STOUT TRUCKING CO., INC., Post Office Box 177, Rural Route 1, Urbana, IL 61801. Applicant's representative: Robert Stout (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used recycleable vending machines*, uncrated, from points in the United States to Champaign, Ill., for 180 days. Supporting shipper: Leichner Industries, Inc., 1510 North Neil Street, Champaign, IL. Send protests to: District Supervisor Robert G. Anderson, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 136658 (Sub-No. 1 TA), filed April 25, 1972. Applicant: ARALDO C. RICHIE, doing business as A. R. TRUCKING, 12 Spurr Place, Nutley, NJ 07110. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by a manufacturer of ranges, from Kearny and Clifton, N.J., to points in Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, District of Columbia, that part of New York on, south, and east of a line starting at the Massachusetts-New York State line via New York Highway 2 to junction with New York Highway 7, thence via New York Highway 7 to junction with Interstate Highway 81, thence over Interstate Highway 81 to the New York-Pennsylvania State line, that part of Pennsylvania on and east of Interstate Highway 81, that part of Maryland on and east of Interstate Highway 81, that part of Virginia on, east, and north of a line beginning at the Virginia-West Virginia State line via Interstate Highway 81 to junction with U.S. Highway 17, thence over U.S. Highway 17 to junction with U.S. Highway 301, thence over U.S. Highway 301 to the Potomac River, for 180 days. Supporting shipper: The Tappan Co., 250 Wayne Street, Mansfield, OH 44902. Send protests to: District Supervisor S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 136677 TA, filed May 1, 1972. Applicant: E. H. STRALOW, 101 East Morris Street, Morrison, IL 61270. Applicant's representative: Lester S. Weinstein (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Coke*, from Gary, Ind., to Sterling, Ill., for 90 days. Supporting shipper: P. F. Laughlin, Northwestern Steel & Wire Co., 121 Wallace Street, Sterling, IL 61270. Send protests to: Richard O. Chandler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72–7575 Filed 5–17–72;8:52 am]

[Notice 61]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 15, 1972.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC–FC–71983. By application filed May 10, 1972, BOND TRANSPORTATION, INC., 400 Charlotte Street, Kansas City, MO 64106, seeks temporary authority to lease the operating rights of EAGLE EXPRESS, INC., also of Kansas City, Mo. 64106, under section 210a(b). The transfer to BOND TRANSPORTATION, INC., of the operating rights of EAGLE EXPRESS, INC., is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.72–7574 Filed 5–17–72;8:52 am]

[Notice 38]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

MAY 12, 1972.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are gov-

erned by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER, issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER, issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 200 (Sub-No. 253), filed April 7, 1972. Applicant: RISS INTERNATIONAL CORPORATION, Post Office Box 2809, Kansas City, MO 64142. Applicant's representative: Rodger John Walsh, 12th Floor, Temple Building, 903 Grand Avenue, Kansas City, MO 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, and toilet preparations* in vehicles equipped with mechanical refrigeration, from points in Philadelphia and Montgomery Counties, Pa., to Northville, Mich. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 1756 (Sub-No. 23), filed April 19, 1972. Applicant: PEOPLES EXPRESS CO., a corporation, 497 Raymond Boulevard, Newark, NJ 07105. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and containers ends*, from the plantsite or other facilities of National Can Corp., Danbury, Conn., to Cranston, R.I., Elmsford and Long Island, N.Y. NOTE: Applicant states the the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 2860 (Sub-No. 112), filed March 30, 1972. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Lakewood, N.J., to points in Virginia east of U.S. Highway 1. NOTE: Applicant states tacking is possible in connection with MC–2860, Sub 74, over Lakewood, N.J., so as to serve as origins all points in New Jersey and Connecticut; Boston and points in Massachusetts within 25 miles thereof, also Providence and Westerly, R.I. Applicant further states tacking is also possible in conjunction MC–2860, Sub 93 and Sub 74, so as to provide service from all origins in Pennsylvania and New York. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2860 (Sub-No. 113), filed March 30, 1972. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, NJ 08360. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations, and foodstuffs*, in vehicles equipped to protect such products from heat or cold (except in bulk, in tank vehicles), from the plantsite and/or warehouse facilities of Kraftco Corp., at or near Fogelsville and Allentown, Pa., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, Vermont, Virginia, and West Virginia, restricted to traffic originating at named origins and destined to points in named territory. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 2860 (Sub-No. 114), filed April 12, 1972. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, NJ 08360. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in packages, drums, containers, or canned, but not in bulk or tank vehicles, from Milton, Del., to points in Alabama, Louisiana, Mississippi, and Texas. NOTE: Applicant states that tacking is possible in conjunction with its base authority at MC 2860 and its authority at MC 2860 Sub-No. 35, over Deepwater, N.J., a point within the commercial zone of Wilmington, Del., which point is located in Salem County, N.J., over Deepwater, or Penns Grove, N.J., points in Salem County, N.J., so as to permit the applicant to originate the considered commodity at points in New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Delaware, Pennsylvania, and Maryland, to the destination territory involved in this application. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 6143 (Sub-No. 2), filed April 12, 1972. Applicant: DUNBAR TRANSFER AND STORAGE, INC., 1726 Evelyn Avenue, Memphis, TN. Applicant's representative: Dale Woodall, 900 Hubbell Bank Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and classes A and B explosives), between Memphis, Tenn., and Jasper, Ala.; from Memphis, Tenn., over U.S. Highway 72 to Tuscumbia, Ala., thence over U.S. Highway 43 to Hamilton, Ala., thence over U.S. Highway 78 to Jasper, Ala., and return over the same route, serving all intermediate points between Hamilton and Jasper, Ala., and serving Haleyville, Double Springs, and Fayette, Ala., as off-route points in connection with applicant's operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., and to be continued to Florence, Ala.

No. MC 6143 (Sub-No. 3), filed April 7, 1972. Applicant: DUNBAR TRANSFER & STORAGE COMPANY, INC., 1726 Evelyn Avenue, Memphis, TN 38114. Applicant's representative: Dale Woodall, 900 Memphis Bank Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

irregular routes, transporting: *General commodities* (except household goods, commodities in bulk, classes A and B explosives, and commodities requiring special equipment), between Memphis, Tenn., on the one hand, and, on the other, Gallaway, Tenn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 7640 (Sub-No. 30), filed April 19, 1972. Applicant: BARNES TRUCK LINE, INC., 506 Mayo Street, Wilson, NC 27893. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood fiberboard*, finished or unfinished; *Wood particleboard*, finished or unfinished; *plywood*, finished or unfinished; with or without accessories and supplies used in the installation and/or application thereof, from Waverly, Va., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, North Carolina, New Jersey, New York, Pennsylvania, Rhode Island, South Carolina, Vermont, and West Virginia. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Wilson, N.C., or Washington, D.C.

No. MC 7840 (Sub-No. 3), filed April 24, 1972. Applicant: ST. LAWRENCE FREIGHTWAYS, INC., 650 Cooper Street, Watertown, NY 13601. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, NY 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, between Plattsburgh and Ogdensburg, N.Y., on the one hand, and, on the other, New York, N.Y., commercial zone as described by the Commission and points in New Jersey. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Syracuse or Buffalo, N.Y.

No. MC 24136 (Sub-No. 13) (Amendment), filed February 22, 1972, published in the FEDERAL REGISTER, issue of March 23, 1972, and republished as amended this issue. Applicant: HARRISON-SHIELDS TRANSPORTATION LINES, INC., Post Office Box 445, Meadow Lands, PA 15347. Applicant's representative: Maxwell A. Howell, 1120 Investment Building, 1511 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as is dealt in by mail-order houses and department stores, the business of which is the sale of general commodities, between Chartiers Township, Pa., on the one hand, and, on the other, Auburn, Binghamton, Cortland, Elmira, Geneva, Hornell, Lockport, Olean, Rochester, and Syracuse, N.Y., and points in that part of New York on and west of a line beginning at Olcott and extending along New York Highway 78 to junction U.S. Highway 62, thence along U.S. Highway 62 to Hamburg, and thence along U.S. Highway 219 to the New York-Pennsylvania State line. NOTE: Applicant states that it intends to tack the requested authority with its existing authority wherever possible. The actual tack point would be Chartiers Township, Pa. The sole purpose of this republication is to indicate New York Highway 78 rather than New York Highway 73 as was inadvertantly shown in the previous publication. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 24583 (Sub-No. 16), filed April 17, 1972. Applicant: RODNEY STEWART AND TROY STEWART, a partnership, doing business as FRED STEWART COMPANY, 129 South Clay Street, Post Office Box 665, Magnolia, AR 71753. Applicant's representative: Thomas Harper, Kelley Building, Post Office Box 43, Fort Smith, AR 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, from points in Columbia County, Ark., to points in Louisiana, Mississippi, Oklahoma, Tennessee, and Texas (except Houston, Tex., and points within a 50-mile radius thereof). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Memphis, Tenn.

No. MC 30844 (Sub-No. 402), filed April 10, 1972. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, IA 50704. Applicant's representative: Truman A. Stockton, 1650 Grant Street Building, Denver, CO. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, skins, and pieces thereof and commodities in bulk), from Tama, Iowa, to points in Colorado, Connecticut, Delaware, Indiana, Kansas, Maine, Maryland, Massachusetts, Michigan, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to shipments originating at the plantsite and facilities of Tama Meat Packing Corp. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 30844 (Sub-No. 403), filed April 19, 1972. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, IA 50704. Applicant's representative: Truman A. Stockton, 1650 Grant Street Building, Denver, CO. Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass rods and glass tubing*, from Corning, N.Y., to Broken Bow, Columbus, and Holdrege, Nebr.; restricted to shipments destined to the facilities of Becton-Dickinson & Co. located at the above destinations. NOTE: Common control may be involved. If a hearing in deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 30844 (Sub-No. 404), filed April 20, 1972. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, IA 50704. Applicant's representative: Truman A. Stockton, 1650 Grant Street Building, Denver, CO 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and other materials and supplies* as are distributed by R. T. French Co., from Springfield, Mo., to points in Florida. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 41404 (Sub-No. 107), filed April 19, 1972. Applicant: ARCO-COLLIER TRUCK LINES CORPORATION, Post Office Box 440, Fulton Highway, Martin, TN 38237. Applicant's representative: Tom D. Copeland (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Dubuque, Iowa, to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, and Texas. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, Chicago, Ill., or St. Louis, Mo.

No. MC 43867 (Sub-No. 23) (amendment), filed April 17, 1972, published in

the FEDERAL REGISTER, issue of May 4, 1972, and republished as amended this issue. Applicant: ALTON LEANDER McALLISTER, The First-Wichita National Bank, Independent, Executor, Post Office Box 2214, Wichita Falls, TX 76303. Applicant's representative: J. G. Dail, Jr., 1111 E Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and plastic tubing*, from Houston, Tex., to points in the United States (except Alaska and Hawaii). NOTE: Applicant holds "Mercer," sulphur, water well pipeline, and earth drilling authority in several States. To the extent that the requested commodities could be transported under such authority, applicant could tack at Houston to serve points in the United States; however, tacking is not foreseen. Applicant seeks no duplicating authority. The purpose of this republication is to redescribe the authority sought. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 44639 (Sub-No. 54), filed April 24, 1972. Applicant: L. & M. EXPRESS CO., INC., 220 Ridge Road, Lyndhurst, NJ 07071. Applicant's representative: Herman B. J. Weckstein, 60 Park Place, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture of wearing apparel, between Martinsburg, W. Va., on the one hand, and, on the other, Whiteford, Md. NOTE: Applicant states it desires to tack the proposed authority with all operations at Whiteford, Md., authorized in MC 44639. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 48963 (Sub-No. 7), filed April 3, 1972. Applicant: REPUBLIC TRUCK LINES, INC., Post Office Box 807, Springfield, MO 65801. Applicant's representative: Phineas Stevens, Post Office Box 22567, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except articles of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Dallas, Tex., and Terral, Okla.: From Dallas over U.S. Highway 77, Interstate Highway 35E, and Interstate Highway 35 to junction U.S. Highway 82, at or near Gainesville, Tex., thence over U.S. Highway 82 to junction U.S. Highway 81, at or near Ringgold, Tex., thence over U.S. Highway 81 to Terral, Okla., and return over the same route, serving no intermediate points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas or Fort Worth, Tex.

No. MC 51312 (Sub-No. 12), filed December 22, 1971. Applicant: BOWLING GREEN TRANSFER, INC., 530 South Maple Street, Bowling Green, OH 43402. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Street maintenance, repair, and cleaning equipment*, (2) *truck tractors*, (3) *truck bodies and truck beds*, (4) *cranes, hoists, and power gates*, designed for use on truck bodies, and (5) *parts, attachments, and accessories* for the commodities described in 1 through 4, from Bowling Green, Ohio, and Ottawa, Kans., to points in the United States (except Alaska and Hawaii); and (B) *commodities* described in (A) above, which at the time of movement are being transported for purposes of show, display, or experiment and not for sale, and *incidental paraphernalia* between points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus or Toledo, Ohio.

No. MC 61592 (Sub-No. 265), filed March 31, 1972. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: Donald Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, container ends and closures, fruit juices, fruit juice concentrates, and paper labels and boxes*, when moving in mixed loads with fruit juices, fruit juice concentrates, and metal containers, container ends and closures, from Plymouth, Ind., to (1) the plantsite of Brooks Food at or near Collinsville, Ill., (2) the plantsite of Beaver Valley Canning Co. at or near Grimes, Iowa, (3) the plantsite of Mid-America Corp. at or near Lenexa, Kans., and (4) the plantsite of Ortonville Canning Co. at or near Ortonville, Minn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 64932 (Sub-No. 503) (Amendment), filed March 13, 1972, published in the FEDERAL REGISTER, issue of April 20, 1972, and republished in part as amended this issue. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, IL 60643. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. NOTE: The sole purpose of this partial republication is to include points in California and Mississippi as destination points, which were erroneously omitted in the previous publication. The rest of the application remains as previously published.

No. MC 66886 (Sub-No. 30) (Correction), filed March 24, 1972, published in the FEDERAL REGISTER, issue of April 27, 1972, and republished as corrected this issue. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, MO 64108. Applicant's representative: Ralph A. Wood (same address as applicant). NOTE: The purpose of this republication is to reflect the correct docket number assigned thereto as MC *66886 (Sub. No. 30)* in lieu of MC *66686 (Sub-No. 30)*, which was in error. The rest of the application remains as previously published.

No. MC 69052 (Sub-No. 52), filed April 12, 1972. Applicant: REED TRUCKING CO., a corporation, Milton, Del. Applicant's representative: James E. Wilson, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Sussex County, Del., to points in New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, and Maine. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 74195 (Sub-No. 5), filed April 6, 1972. Applicant: YOUNG AND HAY TRANSPORTATION COMPANY, a corporation, R.F.D. No. 3, Post Office Box 29A, Worthington, MN 56187. Applicant's representative: Charles J. Kimball, 605 South 14th Street, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (A) *Bananas, coconut, and pineapple*, irregular routes: (1) From Council Bluffs, Iowa, to points in Nebraska, North Dakota, South Dakota, Minnesota, and Iowa, (2) from Inver Grove, Minn., to points in Minnesota, Wisconsin, North Dakota, and South Dakota, and (3) from Denver, Colo., to points in Colorado, Nebraska, South Dakota, and Wyoming. Restriction: Restricted to traffic having a prior or subsequent movement by rail. (B) *General commodities* (except those requiring special equipment, and classes A and B explosives), regular routes: (1) Between Genoa and Omaha, Nebr., from Genoa, Nebr., over U.S. Highway 22 to Columbus, thence over U.S. Highway 30 to Fremont, Nebr., thence over Nebraska Highway 8 and U.S. Highway 275 to Omaha, Nebr., and return over the same route, serving the intermediate points of Fremont, Columbus, Monroe, Schuyler, and Valley, Nebr., and (2) between Tarnov and Omaha, Nebr., from Tarnov, Nebr., over U.S. Highway 81 to Columbus, Nebr., thence over U.S. Highway 30 to Fremont, thence over U.S. Highway 275 and Nebraska Highway 8 to Omaha, Nebr., and return over the same route serving the intermediate points of Platte Center, Columbus, Richland, Schuyler, Rogers, North Bend, Ames, and Fremont, and the off-route point of Octavia. Irregular routes: (1) Between points within a 15-mile radius of Genoa, Nebr., and between points within said radial area, on the one hand, and, on the other, points in Nebraska, and (2) between points in Colfax and Butler Counties, Nebr., and between points in said counties, on the one hand, and, on the other, points in Nebraska. NOTE: Applicant

states it proposes to tack its regular and irregular route authority involving general commodities with the stated exceptions, to provide through service. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 78228 (Sub-No. 32), filed April 17, 1972. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, PA 15220. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, in dump vehicles, from Binghamton, Endicott, and Poughkeepsie, N.Y., to points in Connecticut, Michigan, New Jersey, Ohio, and Pennsylvania. NOTE: Applicant indicates that the requested authority can be tacked with its existing authority but has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Cleveland, Ohio.

No. MC 82492 (Sub-No. 66), filed April 3, 1972. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, Kalamazoo, MI 49003. Applicant's representative: William C. Harris, Post Office Box 2853, Kalamazoo, MI 49003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts* as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Wilson Certified Foods, Inc., at Marshall, Mo., to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Nebraska, North Dakota, Ohio, and South Dakota, restricted to traffic originating at Marshall, Mo., and destined to points in the named States. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 87720 (Sub-No. 123) (Amendment), filed December 20, 1971, published in the FEDERAL REGISTER, issue of January 20, 1972, and republished as amended this issue. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, Flemington, N.J. 08822. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals, laboratory and hospital equipment*, from Bridgewater Township, Somerset County, N.J., to Boston, Mass.; Philadelphia, Pa.; Washington, D.C.; Raleigh, N.C.; Atlanta, Ga.; Rochester, N.Y.; Pittsburgh, Pa.; Cleveland and Cincinnati, Ohio; and (2) *materials, supplies, and equipment* as used in the manufacture, distribution, or sale of the commodities in (1) above (except in bulk), from points in Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, and Ohio to Bridgewater Township, Somerset County, N.J., under contract with Fisher Scientific Co. NOTE: The purpose of this republication is to redescribe the authority sought. If a hearing is deemed necessary, applicant requests it be held at Washington D.C.

No. MC 94350 (Sub-No. 310), filed April 20, 1972. Applicant: TRANSIT HOMES, INC., Post Office Box 1628, Haywood Road, Greenville, SC 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles in initial shipments, from points in Steele County, Minn., to points in Wisconsin, North Dakota, South Dakota, Iowa, Illinois, Nebraska, Montana, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 100666 (Sub-No. 215), filed April 24, 1972. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, LA 71107. Applicant's representative: Wilburn L. Williamson, 3535 Northwest 58th, 280 National Foundation Life Center, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground waste paper and glue* (except in bulk, in tank vehicles), from Houston, Tex., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 103051 (Sub-No. 248), filed March 31, 1972. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Avenue North, Post Office Box 90408, Nashville, TN 37209. Applicant's representatives: Harlan Dodson and Harlan Dodson III, 900 Nashville Bank and Trust Building, Nashville, TN 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils, animal fats, and blends thereof*, in bulk, in tank vehicles, from Chattanooga, Tenn., to points in Pennsylvania. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Atlanta, Ga.

No. MC 103993 (Sub-No. 710), filed April 24, 1972. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Maine (except Wells, Maine, and the plantsite of Ace Traveler, near Alfred, Maine), to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Bangor, Maine.

No. MC 103993 (Sub-No. 711), filed April 24, 1972. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in New London County, Conn., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

No. MC 103993 (Sub-No. 712), filed April 24, 1972. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, from points in Pueblo County, Colo., to points in the United States (except Alaska and Hawaii); and (2) *buildings and sections of buildings* on undercarriages, from points in Pueblo and El Paso Counties, Colo. (except Colorado Springs, Colo.), to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Colorado Springs, Colo.

No. MC 106398 (Sub-No. 595), filed April 12, 1972. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, from New Orleans, La., to points in Alabama, Florida, Georgia, Indiana, Mississippi, Missouri, North Carolina, Pennsylvania, South Carolina, Tennessee, and Virginia. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106398 (Sub-No. 601), filed April 20, 1972. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Chatham County, N.C., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Charlotte or Raleigh, N.C.

No. MC 106398 (Sub-No. 602), filed April 21, 1972. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Trailers, designed to be drawn by passenger automobiles, in initial movements, from points in Anson County, N.C., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 107012 (Sub-No. 148), filed April 26, 1972. Applicant: NORTH AMERICAN VAN LINES, INC., Lincoln Highway East and Meyer Road, Post Office Box 988, Fort Wayne, IN 46801. Applicant's representative: Donald C. Lewis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet and carpet padding*, (1) from Shelbyville, Tenn., to points in Iowa and Nebraska; (2) from Glasgow, Va., and Cartersville, Ga., to Minneapolis, Minn.; and (3) from La Grange, Ga., to West Haven, Conn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 108207 (Sub-No. 345), filed April 13, 1972. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz Street, Dallas, TX 75207. Applicant's representative: J. B. Ham, Post Office Box 5888, Dallas, TX 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from New Hampton, Iowa, to points in Missouri, Kansas, and Tennessee, restricted to traffic originating at the plantsite and warehouses utilized by the Kitchens of Sara Lee, Inc., at New Hampton, and destined to points in the above-named States. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Dallas, Tex.

No. MC 108460 (Sub-No. 45), filed March 9, 1972. Applicant: PETROLEUM CARRIERS COMPANY, a corporation, 5104 West 14th Street, Post Office Box 762, Sioux Falls, SD 57101. Applicant's representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer and fertilizer ingredients*, in bulk, from points in Union County, Iowa, to points in Iowa, Missouri, Kansas, Nebraska, Minnesota, and South Dakota; (2) *anhydrous ammonia*, (a) from the pipeline facilities of the Gulf Central Pipeline Co. located at or near Algona, Iowa, and Iowa Falls, Iowa, to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin; and (3) *anhydrous ammonia*, in bulk, from Marshall, Minn., to points in South Dakota, North Dakota, and Minnesota. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 108703 (Sub-No. 27), filed April 3, 1972. Applicant: LEE & EASTES TANK LINES, INC., 2418 Airport Way South, Seattle, WA 98134. Applicant's representative: Jerrold L. Sharp (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Whitman, Asotin, Garfield, and Columbia Counties, Wash., to points in Oregon, Idaho, and Montana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 111812 (Sub-No. 474), filed April 20, 1972. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, SD 57101. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road. Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, from Tonawanda, N.Y., to points in Arizona, California, Colorado, Nevada, Oregon, Utah, and Washington. Restriction: Restricted to traffic originating at the plantsites and warehouse facilities of Hale Tintle Foods, Inc. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 112304 (Sub-No. 54), filed April 11, 1972. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silicon carbide* (except commodities in bulk), from points in Campbell County, Tenn., to points in Alabama, Delaware, Georgia, Florida, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, West Virginia, and Virginia. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Buffalo, N.Y.

No. MC 113325 (Sub-No. 135), filed April 5, 1972. Applicant: SLAY TRANSPORTATION CO., INC., 2001 South Seventh Street, St. Louis, MO 63104. Applicant's representative: T. M. Tahan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, from Springfield, Mo., to points in Arkansas, Kansas, and Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis or Kansas City, Mo.

No. MC 113549 (Sub-No. 69), filed April 11, 1972. Applicant: H. J. JEFFRIES TRUCK LINE, Post Office Box 94850, Oklahoma City, OK 73109. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Terminal tractors*, from Longview, Tex., to points in the United States (including Alaska but excluding Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 113678 (Sub-No. 453), filed April 12, 1972. Applicant: CURTIS, INC., 4810 Pontiac Street, Post Office Box 16004, Stockyards Station, Denver, CO 80216. Applicant's representative: Duane W. Acklie and Richard A. Peterson, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and storage facilities utilized by Stouffer Foods at or near Solon, Ohio, to points in New York, Massachusetts, Connecticut, New Jersey, Pennsylvania, Maryland, Delaware, Indiana, Illinois, Wisconsin, Minnesota, North Dakota, South Dakota, Missouri, Kansas, Nebraska, Colorado, Utah, Washington, Oregon, and California, the Lower Peninsula of Michigan and the District of

Columbia, restricted to traffic originating at the named locations. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio; Washington, D.C.; or Denver, Colo.

No MC 114004 (Sub-No. 115), filed April 14, 1972. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, AR 72209. Applicant's representative: Winston Chandler, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles in initial movements, and *portable buildings* mounted on wheeled undercarriages from origins which are points of manufacture, from points in Monroe County, Ark., to points in the United States (including Alaska, but excluding Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 115180 (Sub-No. 84), filed April 14, 1972. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 265 West 14th Street, New York, NY 10014. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), (1) from the plantsite and storage facilities of Schneider Packing Co., located at or near St. Louis, Mo., to points in Maine, Massachusetts, New Hampshire, Vermont, New York, Rhode Island, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Ohio, West Virginia, Virginia, and the District of Columbia; (2) from the plantsite and storage facilities of Krey Packing Co., located at or near St. Louis, Mo., to points in Maine, Massachusetts, New Hampshire, Vermont, New York, Rhode Island, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Ohio, West Virginia, and the District of Columbia; (3) from the plantsite and storage facilities of Royal Packing Co., located at or near East St. Louis, Ill., to points in Maine, Massachusetts, New Hampshire, Vermont, New York, Rhode Island, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Ohio, West Virginia, Virginia, and the District of Columbia; and (4) from the plantsite and storage facilities of Hunter Packing Co., located at or near East St. Louis, Ill., to points in Maine, Massachusetts, New Hampshire, Vermont, New York, Rhode Island, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Ohio, West Virginia, Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 115654 (Sub-No. 18), filed April 7, 1972. Applicant: TENNESSEE CARTAGE CO., INC., 809 Ewing Avenue, Post Office Box 1193, Nashville, TN 37202. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooked and prepared foods* (except in bulk), moving in mechanically temperature controlled vehicles, including *advertising materials and premiums* moving with said commodities, from the plantsite of Peter Paul Candy, Inc., at or near Frankfort, Ind., to points in Tennessee, Kentucky, Georgia, and Alabama. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that the instant application in part duplicates its present authority in Sub 13, but does not seek duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 116073 (Sub-No. 231), filed April 21, 1972. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar, 1819 Fourth Avenue South, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements; and *buildings* in sections on wheeled undercarriages, from points in Huron County, Ohio, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 116073 (Sub-No. 232), filed April 21, 1972. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar, 1819 Fourth Avenue South, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles in initial movements and *buildings* in section mounted on wheeled undercarriages, from points in Knox County, Tenn., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Knoxville, Tenn.

No. MC 116763 (Sub-No. 217) (Correction), filed February 7, 1972, published in the FEDERAL REGISTER, issue of March 9, 1972, and republished as corrected this issue. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition boards, insulating materials, roofing and roofing materials, urethane and urethane products, and related materials, supplies, and accessories* incidental thereto (except commodities in bulk), from the Lagro, Ind., plantsite and the Wabash, Ind., warehouse site of the Celotex Corp. to points in Arkansas, Oklahoma, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to redescribe the authority sought. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 117119 (Sub-No. 453), filed April 14, 1972. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Post Office Box 188, Elm Springs, AR 72728. Applicant's representative: Bobby G. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except in bulk), from points in Tennessee to points in Wisconsin, Illinois, Missouri, Kansas, Nebraska, Iowa, Arkansas, Oklahoma, Texas, and Louisiana. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Washington, D.C.

No. MC 117304 (Sub-No. 30), filed March 30, 1972. Applicant: DON PAFFILE, doing business as PAFFILE TRUCK LINES, 2906 29th Street, Lewiston, ID 83501. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular and regular routes, transporting: (1) Irregular routes: *Malt and malt beverages, bottle openers, can openers, and advertising matters* when moving with malt beverages, from Golden, Colo., to points in Idaho, north of the south boundary of Lemhi and Idaho Counties; (2) *malt and malt beverages, bottle openers, can openers, and advertising matters* when moving with malt beverages, from Phoenix, Ariz., to points in Idaho, north of the south boundary of Lemhi and Idaho Counties and points in eastern Washington, east of U.S. Highway 97; (3) *wine and malt beverages, bottle openers, can openers, and advertising matters* when moving with wine and malt beverages, from points in California and Oregon to points in eastern Washington, east of

U.S. Highway 97; and (4) regular routes: *Malt and malt beverages, can openers, bottle openers, and advertising matters* when moving with malt and malt beverages, between Vancouver and Spokane, Wash., from Vancouver over Interstate Highway 95 to junction Interstate Highway 80N, thence over Interstate Highway 80N to junction U.S. Highway 730, thence over U.S. Highway 730 to junction U.S. Highway 395, thence over U.S. Highway 395 to junction Interstate Highway 90, thence over Interstate Highway 90 to Spokane, and return over the same route, serving all intermediate points. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 117465 (Sub-No. 18), filed April 19, 1972. Applicant: BEAVER EXPRESS SERVICE, INC., Post Office Box 151, Woodward, OK 73801. Applicant's representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except classes A and B explosives, moving in express service: (1) Between Amarillo and Borger, Tex., from Amarillo over Texas Highway 136 to Borger, serving no intermediate points and return over the same route; (2) between the junction of Texas Highway 136 and Texas Highway 207 and Guymon, Okla., from the junction of Texas Highway 136 and Texas Highway 207, over Texas Highway 136 to Oklahoma-Texas State line, thence over Oklahoma Highway 136 to Guymon, Okla., serving all intermediate points, and return over the same route; (3) between Amarillo, Tex., and the junction of Texas Highway 136 and Texas Farm Market 281, from Amarillo, Tex., over combined U.S. Highways 87 and 287 to its junction with Texas Farm Market 281, thence over Texas Farm Market 281 to its junction with Texas Highway 136, serving all intermediate points and return over the same route; (3) between Amarillo, Tex., and Tucumcari, N. Mex., from Dalhart, Tex., over U.S. Highway 54 to Tucumcari, N. Mex., serving no intermediate points, as an alternate route for operating convenience only, and return over the same route; and (5) between Hugoton, Kans., and Hooker, Okla., from Hugoton, Kans., over U.S. Highway 270 to its junction with an unnumbered Kansas highway (approximately 8 miles east of Hugoton), thence over unnumbered highway to Kansas-Oklahoma State line, thence over Oklahoma Highway 94 to Hooker, Okla., serving no intermediate points, as an alternate route for operating convenience only, and return over the same route. NOTE: If a hearing is deemed necessary, applicant requests it be held at Amarillo, Tex.

No. MC 117551 (Sub-No. 3), filed April 24, 1972. Applicant: NEWS & FILM SERVICE, INC., 745 Lipan Street, Denver, CO 80204. Applicant's representative: John H. Lewis, The 1650 Grant Street Building, Denver, CO 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (1) Regular routes: *Motion picture and television film, and theater supplies*, (a) between Denver, Colo., and the Colorado-Oklahoma State line, over U.S. Highway 287, serving all intermediate points and the off-route points of Walsh and Cheyenne Wells, Colo.; (b) between Denver, Colo., and the Colorado-Kansas State line: from Denver, over Interstate Highway 25 to junction U.S. Highway 50, thence over U.S. Highway 50 to the Colorado-Kansas State line, and return over the same route, serving all intermediate points on U.S. Highway 50 east of Pueblo, Colo.; (c) between Denver, Colo., and Raton, N. Mex., over Interstate Highway 25, serving all intermediate points on Interstate Highway 25 south of Pueblo, Colo.; and (d) between Denver, Colo., and Alamosa, Colo.; (1) from Denver, Colo., over U.S. Highway 285 to Alamosa, Colo., and return over the same route, serving the intermediate point of Saguache, and the off-route points on Salida and Buena Vista; and (2) from Denver, over U.S. Highway 285 to junction Colorado Highway 17, thence over Colorado Highway 17 to Alamosa, and return over the same route, serving the off-route points on Buena Vista and Salida; and (2) *newspapers*, between Denver, Colo., and Raton, N. Mex., over Interstate Highway 25, and return over the same route, serving no intermediate points, and (3) irregular routes: *newspapers* between Denver, Colo., on the one hand, and, on the other, points in Kansas on and west of U.S. Highway 281. NOTE: Applicant states that if the authority sought herein is granted its present certificate of registration under MC 117551 (Sub-No. 2) should be canceled. Applicant further states that it has been handling newspapers in interstate commerce under the exemption and believes it is necessary to obtain this certificate in view of the fact that it is seeking to transport regulated commodities in interstate commerce, namely, motion picture and television film, and theater supplies. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 117565 (Sub-No. 58), filed April 17, 1972. Applicant: MOTOR SERVICE COMPANY, INC., Route 3, Post Office Box 448, Coshocton, OH 43812. Applicant's representative: John R. Hafner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor homes*, in driveaway service, between points in the United States, including Alaska (but excluding Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus or Cincinnati, Ohio.

No. MC 117799 (Sub-No. 35), filed April 18, 1972. Applicant: BEST WAY FROZEN EXPRESS, INC., Room 205, 3033 Excelsior Boulevard, Minneapolis, MN 55416. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and/or storage facilities utilized by Wilson Certified Foods, Inc., at Marshall, Mo., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina, restricted to traffic originating at the plantsites and/or warehouse facilities of Wilson Certified Foods, Inc., at Marshall, Mo., and destined to points in the named States. NOTE: Dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Rochester, N.Y., or Minneapolis-St. Paul, Minn.

No. MC 117799 (Sub-No. 36), filed April 18, 1972. Applicant: BEST WAY FROZEN EXPRESS, INC., Room 205, 3033 Excelsior Boulevard, Minneapolis, MN. 55416. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, (2) *pet foods and pet supplies*, (3) *household buffing and polishing compounds*, and (4) *commodities*, the transportation of which are within the partial exemption of section 203(b)(6) of the Interstate Commerce Act, from the plantsite and/or warehouse facilities of the R. T. French Co., at or near Springfield, Mo., to points in Florida. NOTE: Dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or St. Louis, Mo.

No. MC 118159 (Sub-No. 123), filed April 21, 1972. Applicant: EVERETT LOWRANCE, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representative: Jack R. Anderson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Morehead City, N.C., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 118400 (Sub-No. 3), filed April 4, 1972. Applicant: WANDO PRODUCE CO., a corporation, 60 Romney Street, Charleston, SC 29403. Applicant's representative: Robert E. Tate, Post Office Box 517, Evergreen, AL 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas, and* (2) *coconuts, plantains, pineapples, and other agricultural commodities* exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act when transported in mixed loads with bananas, from Morehead City, and Wilmington, N.C., Charleston, and Georgetown, S.C., to points in North Carolina, South Carolina, Tennessee, and Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., or Atlanta, Ga.

No. MC 118866 (Sub-No. 6), filed April 12, 1972. Applicant: PAUL L. ZAMBERLAN & SONS INCORPORATED, Box 15, Lewis Run, PA 16738. Applicant's representative: William J. Hirsch, Suite 444, 35 Court Street, Buffalo, NY 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Culvert or spiral pipe, plate, or sheet,* from the plantsite of Wheeling Corrugating Co., a division of Wheeling Pittsburgh Steel Corp. at or near Olean, N.Y., to points in Delaware, Maryland, New Jersey, Ohio, Pennsylvania, Virginia, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 119631 (Sub-No. 18), filed April 24, 1972. Applicant: DEIOMA TRUCKING COMPANY, a corporation, Post Office Box 915, Alliance, OH. Applicant's representative: James E. Wilson, 425 13th Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete panels,* from Fairfield, Ohio, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio, or Washington, D.C.

No. MC 119767 (Sub-No. 286), filed April 14, 1972. Applicant: BEAVER TRANSPORT CO., a corporation, I–94 and County Highway C, Bristol, Wis., Post Office Box 188, Pleasant Prairie, WI 53158. Applicant's representative: Fred H. Frigge, Post Office Box 188, Pleasant Prairie, WI 53158. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen fruits, vegetables, and berries and commodities in bulk), from Indianapolis and Tipton, Ind., and Curtice, Ohio, to points in Illinois, Minnesota, Missouri, and Wisconsin, restricted to traffic originating at the named origins and destined to the named States. NOTE: Common control may be involved. No duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119767 (Sub-No. 287), filed April 24, 1972. Applicant: BEAVER TRANSPORT CO., a corporation, I–94 and County Highway C, Bristol, Wis., Post Office Box 188, Pleasant Prairie, WI 53158 Applicant's representative: Fred H. Frigge, Post Office Box 188, Pleasant Prairie, WI 53158. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale and retail grocery houses* (except commodities in bulk, in tank vehicles), from Galesburg, Ill., to points in Iowa, Kentucky, Minnesota, Missouri, and Wisconsin, restricted to traffic originating at Galesburg, Ill. NOTE: Common control may be involved. No duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119777 (Sub-No. 242), filed April 20, 1972. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Box L, Madisonville, KY 42431. Applicant's representative: Louis J. Amato (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mining machinery, equipment, and supplies, battery operated personnel carriers and tractors, trailers, and conveyor cars* (except commodities in bulk), (1) from Bluefield, Va., to points in the United States (except Hawaii, but including Alaska), and (2) from points in the United States (except Hawaii, but including Alaska), to Bluefield, Va. NOTE: Applicant holds contract carrier authority under 126970 and subs, therefore common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 124078 (Sub-No. 520), filed April 3, 1972. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, WI 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soy products,* dry in bulk, from Danville, Ill., to points in Wisconsin. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124111 (Sub-No. 39) (Amendment), filed January 21, 1972, published in the FEDERAL REGISTER, issue of February 17, 1972, amended and republished as amended, this issue. Applicant: OHIO EASTERN EXPRESS, INC., Post Office Box 2297, 300 West Perkins Avenue, Sandusky, OH 44870. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and bakery products,* from Detroit and Livonia, Mich., and their commercial zones, to points in Connecticut, District of Columbia, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, Virginia, and New Jersey. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to add New Jersey as a destination State. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 124129 (Sub-No. 6) (Correction), filed January 17, 1972, published in the FEDERAL REGISTER, issue of March 16, 1972, and republished as corrected, this issue. Applicant: KAPRI TRANSPORTATION CO., a corporation, 207 East Valley, Valley, NE 68064. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crushed limestone and limestone products* (except cement), from points in Nebraska to points in Missouri, under contract with Kerford Limestone Co. NOTE: The purpose of this republication is to redescribe the commodity description. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 125045 (Sub-No. 13), filed April 10, 1972. Applicant: SHERMAN MOLDE, doing business as MOLDE TRUCKING COMPANY, 955 11¼ Street SW., Rochester, MN 55901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream,* from Zumbrota and Rochester, Minn., to Green Bay, Wis.; Champaign, Ill.; Des Moines, Iowa; and Fargo and Bismarck, N. Dak., under contract with Preferred Products, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 126780 (Sub-No. 9), filed April 24, 1972. Applicant: MACK E. BRUGESS, doing business as BUILDER'S TRANSPORT, 409 14th Street SW., Great Falls, MT 59404. Applicant's representative: Howard C. Burton, 502 Strain Building, Post Office Box 2265, Great Falls, MT 59403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* face brick, glazed brick, common brick, facing tile, backup tile, fire brick, fire brick refractories, fire clay, ceramic clay dry, ceramic clay pugged, sewer tile pipe, clay, perforated tile pipe, clay, drain tile, clay, sewer tile fittings, clay, rubber and plastic coupling, clay, flue liner clay, stone, concrete brick, concrete block, concrete pipe, and concrete black glazed, in truck lots, from

ports of entry on or adjacent to the international boundary line between the United States and Canada situated in Idaho, Montana, and North Dakota to points in Washington, Oregon, Idaho, Montana, North Dakota, Wyoming, Colorado, and Utah with the return movement of *silica blasting sand, stone chips, lime* (in bags or in bulk), *stone, ceramic tile, and masonry products*, in truck lots, from points in Idaho and Utah to points in Montana, under contract with Forzley Sales, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Great Falls, Mont.

No. MC 128201 (Sub-No. 7), filed April 24, 1972. Applicant: SCHUSTER GRAIN COMPANY, INC., U.S. Highway 75 South, Post Office Box 606, Le Mars, IA 51036. Applicant's representative: Earl H. Scudder, Jr., 605 South 14th Street, Post Office 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, animal and poultry feed ingredients, animal and poultry health products, minerals and mineral block, insecticides, rodent exterminators and pesticides and advertising and promotional materials and packaging materials*, used in connection with the above-described commodities, between the plantsite and storage facilities of International Multifoods Corp., at or near Le Mars, Iowa, on the one hand, and, on the other, points in Wisconsin, Illinois, Indiana, Missouri, Kansas, Wyoming, Minnesota, Nebraska, South Dakota, Arkansas, and Kentucky, limited to a transporation service to be performed under a continuing contract or contracts with International Multifoods Corp., its subsidiaries and affiliates. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Minneapolis, Minn.

No. MC 128802 (Sub-No. 2), filed April 21, 1972. Applicant: ARDEN E. OLSEN, an individual, Route 1, Kalispell, Mont. 59901. Applicant's representative: Joe Gerbase, 100 Transwestern Building, 404 North 31st Street, Billings, MT 59101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer and malt beverages*, from Vancouver, Wash., and San Francisco, Calif., to Kalispell, Mont., under contract with Flathead Beverage Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Helena, Mont.

No. MC 133095 (Sub-No. 27), filed April 11, 1972. Applicant: TEXAS CONTINENTAL EXPRESS, INC., Post Office Box 434, Euless, TX 76039, also 2603 West Euless Boulevard, 76039. Applicant's representative: Rocky Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shoes*, from points in Maine, to points in Texas, Oklahoma, Arkansas, Kansas, Missouri, Tennessee, Alabama, Louisiana, Mississippi, New Mexico, Arizona, and California. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. It has contract authority pending MC 136032. Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 133478 (Sub-No. 5), filed April 3, 1972. Applicant: HEARIN TRANSPORTATION, INC., Post Office Box 25387, 4854 Southwest Scholls Ferry, Portland, OR 97225. Applicant's representative: Nick I. Goyak, 404 Oregon National Building, 610 Southwest Alder Street, Portland, OR 97205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, lumber, particleboard, wood beams, and materials* used in connection with manufacturing of wood and plywood products, between points in Oregon and Washington on the one hand, and, on the other, the plantsite of Hearin Forest Industry, Inc., in Vancouver, Wash., for the account of Hearin Forest Industries. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 133966 (Sub-No. 17), filed April 11, 1972. Applicant: NORTH EAST EXPRESS, INC., Post Office Box 61, Mountaintop, PA 18707. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, except in bulk, from St. Clair, Mich., to points in Pennsylvania, New York, New Jersey, Maryland, and Delaware. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 134145 (Sub-No. 21), filed April 13, 1972. Applicant: NORTH STAR TRANSPORT, INC., Post Office Box 51, Thief River Falls, MN 56701. Applicant's representative: Jon Miller (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, snowmobile carrying, from Omaha, Nebr., to Aurora, Colo.; Idaho Falls, Idaho; Carol Stream, Ill.; Tout Lake and Traverse City, Mich.; St. Paul and Thief River Falls, Minn.; Reno, Nev.; Rochester, N.Y.; Fargo, N. Dak.; Mansfield, Ohio; Lockhaven, Pa.; Bethel and Randolph, Vt.; Spokane, Wash.; and Neenah, Wis., under contract with Arctic Enterprises, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, or St. Paul, Minn.

No. MC 134145 (Sub-No. 22), filed April 13, 1972. Applicant: NORTH STAR TRANSPORT, INC., Post Office Box 51, Thief River Falls, MN 56701. Applicant's representative: Jon Miller (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts, materials, accessories, equipment, and supplies*, used in the manufacture of snowmobiles, boats, and motor bikes, from points in California, Colorado, Connecticut, Idaho, Illinois, Indiana, Kansas, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nebraska, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, Texas, Utah, Washington, and Wisconsin to Clearbrook and Detroit Lakes, Mich., under contract with Arctic Enterprises, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, or St. Paul, Minn.

No. MC 134477 (Sub-No. 20), filed April 10, 1972. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Applicant's representative: Paul Schanno (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and other facilities utilized by St. Paul Dressed Beef Co. located at or near South St. Paul, Minn., to Huron, S. Dak. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, or St. Paul, Minn.

No. MC 134477 (Sub-No. 21), filed April 24, 1972. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Applicant's representative: Paul Schanno (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), restricted to traffic moving in bills of lading issued by ABC Freight Forwarding Corp. and Midland Forwarding Corp. from the terminal and other facilities of ABC Freight Forwarding Corp. and Midland Forwarding Corp., Inc., located in East Hartford and Stratford, Conn.; Boston, Mass.; Elizabeth, N.J., and New York, N.Y., to St. Paul, Minn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or St. Paul, Minn.

No. MC 134599 (Sub-No. 39), filed April 14, 1972. Applicant: INTERSTATE CONTRACT CARRIER CORP., Post Office Box 748, Salt Lake City, UT 84110. Applicant's representative: Richard A. Peterson, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper cups, lids and caps, discs, or tops* in boxes, *cup holders, cellular plastics, expanded or foamed blocks or sheets*, expanded or foamed in bales or rolls, *laminated plas-*

tic sheets, and *scrap or wastepaper* pressed in bales, from the plantsite at Eddystone, Pa., to points in Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, Wisconsin, Michigan, Mississippi, Arkansas, Kentucky, Minnesota, and North Carolina, under contract with Scott Paper Co. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Lincoln, Nebr.

No. MC 134599 (Sub-No. 40), filed April 19, 1972. Applicant: INTERSTATE CONTRACT CARRIER CORP., Post Office Box 748, Salt Lake City, UT 84110. Applicant's representative: Richard A. Peterson, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper materials, and supplies* used in the manufacture of *paper, cellulose film or plastic articles, office, art, and graphic supplies* used for educational and illustrative purposes including *machinery parts and supplies* associated with office supplies and materials, between Holyoke and South Hadley, Mass., on the one hand, and, on the other, Los Angeles, Calif.; Denver, Colo.; Cleveland, Ohio; Oklahoma City, Okla.; Houston, Tex.; Atlanta, Ga.; Chicago, Ill., and East Brunswick, N.J., under contract with Scott Paper Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Lincoln, Nebr.

No. MC 134599 (Sub-No. 41), filed April 19, 1972. Applicant: INTERSTATE CONTRACT CARRIER CORP., Post Office Box 748, Salt Lake City, UT 84110. Applicant's representative: Richard A. Peterson, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, between Mobile, Ala., and its commercial zone on the one hand, and, on the other, points in Pennsylvania, New York, Massachusetts, Connecticut, Rhode Island, New Jersey, Maryland, Washington, D.C., Maine, South Carolina, Georgia, and North Carolina, under contract with Scott Paper Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Lincoln, Nebr.

No. MC 134859 (Sub-No. 6), filed April 12, 1972. Applicant: DONALD RUSSELL, doing business as FRANK RUSSELL & SON, 401 South Ida Street, West Frankfort, IL 62896. Applicant's representative: Donald Russell (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magnetite*, in bulk and in bags, from the site of Meramec Mining Co., near Sullivan, Mo., to points in Arkansas and Oklahoma, under contract with Reiss-Viking Corp. NOTE: Applicant holds common carrier authority in MC 13845, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo. or Springfield, Ill.

No. MC 135236 (Sub-No. 3), filed April 21, 1972. Applicant: LOGAN TRUCKING, INC., 801 Erie Avenue, Logansport, IN 46947. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Cranston, R.I., to points in Ohio, Indiana, Wisconsin, Michigan, Illinois, Kentucky, and St. Louis, Mo., and *used empty beverage containers* on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Washington, D.C.

No. MC 135903 (Sub-No. 2) (Amendment), filed February 9, 1972, published in the FEDERAL REGISTER issue of March 9, 1972 and republished as amended, this issue. Applicant: MID NEBRASKA TRUCKING, INC., Cornlea, Nebr. 68630. Applicant's representative: Charles J. Kimball, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and machinery and related parts, materials and supplies*, between the facilities of Mark's Implement, Inc. and Mark Noonan, at or near Cornlea, Nebr., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under continuing contracts with Mark's Implement, Inc. and Mark Noonan. NOTE: The purpose of this republication is to reflect "Mark Noonan" as a shipper. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 136369 (Sub-No. 2), filed April 10, 1972. Applicant: H. G. SNYDER TRUCKING, INC., 1111 Pittfield Boulevard, St. Laurent 384, PQ, Canada. Applicant's representative: Julius Braun, Room 21, Albany Port Administration Building, Albany, N.Y. 12202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Albany, N.Y., to the international boundary line between the United States and Canada at or near Champlain, N.Y. NOTE: Applicant holds contract carrier authority under MC 117153 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Albany, or New York, N.Y.

No. MC 136477 (Sub-No. 2), filed April 10, 1972. Applicant: MAX V. MOUNSEY, doing business as MOUNSEY TRUCK SERVICE, Route 4, Huntington, Ind. 46750. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizers*, in bulk, in tank vehicles, from Harrod, Ohio, to points in Indiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 136513 (Sub-No. 2), filed April 14, 1972. Applicant: TALMADGE C. GRAY, Post Office Box 233, Milford, UT 84751. Applicant's representative: Irene Warr, Suite 430, Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, in bulk, from South San Francisco, Calif., to the plantsite of Essex International, Inc., near Milford, Utah, under contract with Essex International, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 136552 (Sub-No. 1), filed April 24, 1972. Applicant: KARDUX TRANSFER, INC., 1907 Roby Avenue, Muscatine, IA 52761. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Centrifugal pumps and pump parts*, and (2) *equipment, materials, and supplies* used in the manufacture and sale of the commodities described in (1) above, between points in Black Hawk, Cedar, Delaware, Muscatine, and Scott Counties, Iowa, and Henry, Jo Daviess, Rock Island, and Whiteside Counties, Ill., under contract with Carver Pump Co. NOTE: Applicant presently holds common carrier authority under MC 128664, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 136567 (Sub-No. 1) (Correction), filed April 3, 1972, published FEDERAL REGISTER, issue of May 11, 1972, and republished as corrected this issue. Applicant: McGRATH INTRASTATE TRUCKING, INC., Rural Delivery 1, Box 169, Medford, NJ 08055. Applicant's representative: Raymond A. Thistle, Jr., Suite 1012, 4 Penn Center Plaza, Philadelphia, PA 19103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious to or contaminating to other lading), from the warehouse of Willis Warehousing Co., in Moorestown Township (Burlington County), N.J., to points in Fairfield, Middlesex, and New Haven Counties, Conn., Delaware, Maryland, New York, Pennsylvania, and the District of Columbia, and the return of pallets used to transport said commodities, under a continuing contract or contracts with Willis Warehousing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa. The purpose of this republication is to show that the granting of this application will have a beneficial effect upon the quality of the human environment.

No. MC 136600, filed April 17, 1972. Applicant: MODULAR AGE, INC., 5000 Old Peachtree Road, Post Office Box 47604, Doraville, GA 30334. Applicant's representative: R. J. Reynolds III, 604–09 Healey Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Modular homes, houses, and buildings;* (2) *sections of modular homes, houses, and buildings;* and (3) *parts and accessories* for the items specified in descriptions (1) and (2) when moving at the same time, and as a part of, a shipment of the commodities specified in descriptions (1) and (2) above, between points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 136615 (Sub-No. 1), filed April 13, 1972. Applicant: WILLIAM C. STETZEL, INC., Post Office Box 435, Stanley, NY 14561. Applicant's representative: William R. Stevens, 300 First Trust Building, Syracuse, N.Y. 13201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coils of flexible drainage pipe* to be utilized both as drainage pipe as well as for regular transmission of water from one location to another, from Geneva, N.Y., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, and *materials, equipment, and supplies* used in the manufacture, distribution, and installation of corrugated plastic drainage tubing (except commodities in bulk), from points in the above-named destination States to Geneva, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Syracuse, Rochester, or Buffalo, N.Y.

No. MC 136628, filed April 7, 1972. Applicant: RAYMOND L. SENN AND GEORGE MACLEOD, a partnership, doing business as MID-STATE CARTAGE, Post Office Box 764, Socorro, NM 87801. Applicant's representative: Raymond L. Senn, Post Office Box SS, 901 Mines Road, Socorro, NM 87801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, supplies, and tools*, new or used, between the plantsite of A.T. & T. Co., and Mountain Bell Communication sites in Catron, Socorro, and Torrance Counties and Vaughn Main Station in Guadalupe County, under contract with Western Electric Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Socorro, Albuquerque, or Santa Fe, N. Mex.

No. MC 136650, filed April 17, 1972. Applicant: FOOTE & DAVIES TRANSPORT CO., a corporation, 3101 McCall Drive, Doraville, GA Applicant's representative: Guy H. Postell, 3384 Peachtree Road, NE., Suite 713, Atlanta, GA 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Printed matter*, including books, catalogs, and magazines, *printing ink and waste paper*, from Doraville and Dalton, Ga., to points in the United States (except Alaska and Hawaii); and (b) *materials, supplies and equipment* used or dealt in by printing plants, from points in the United States (except Alaska and Hawaii), to the plantsites of Foote & Davies at Doraville, Ga., and McCall Pattern Co. at Dalton, Ga., under continuing contracts with Foote & Davies, division of McCall Corp., and McCall Pattern Division of McCall Corp., New York, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 136655, April 18, 1972. Applicant: COY J. MOCK, Post Office Box 158, Union City, OK 73090. Applicant's representative: Woodrow W. Adams, 417 Couch Drive, Oklahoma City, OK 73102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick and clay products*, between points in Oklahoma, Texas, Arkansas, Louisiana, Missouri, and Kansas, under contract with Oklahoma Brick Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City or Tulsa, Okla., Wichita, Kans., or Fort Worth, Tex.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 129826 (Sub-No. 1), filed April 24, 1972. Applicant: ROBERT HOWARD SIMPSON, doing business as R. H. SIMPSON TRUCKING CO., 651 North Main Street, Marion, VA 24354. Applicant's representative: R. H. Simpson (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Finished wood mouldings, plastic mouldings, and cabinet parts*, knocked down, from Marion, Va., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, under contract with Mouldings, Inc., Marion, Va.

APPLICATION FOR FILING POSTAL CERTIFICATES

Interstate Commerce Commission, Ex Parte No. MC–86 (Notice of Filing an Application for Inclusion Within the Terms of the General Postal Certificate of Exemption), filed July 14, 1971. Applicant: MELVIN L. LINDHART, Fleming Route, Aitkin, MN 56431.

By application filed July 14, 1971, applicant seeks inclusion within the terms of the General Postal Certificate of Exemption to transport *Mail* in the following territory:

Between Aitkin and Fleming Lake, Minn. Appended to the application is a document referring to a postal contract held by applicant which was in effect on July 1, 1971, the critical "grandfather" date: Route No. 56465 relating to service between Aitkin and Fleming Lake, Minn.

Any interested person desiring to oppose the application may file with the Commission an original and one copy of his written representations, views, or arguments in opposition to the application within 30 days from the date of this publication in the FEDERAL REGISTER. A copy of each such pleading should be served upon applicant.

Interstate Commerce Commission, Ex Parte No. MC–86 (Notice of Filing an Application for Inclusion Within the Terms of the General Postal Certificate of Exemption), filed July 12, 1971. Applicant: MUKLUK FREIGHT LINES, INC., Box 3–4127, Anchorage, AK 99501. Applicant's representative: Joseph W. Sheehan, Suite A, Teamsters Building, Post Office Box 2551, Fairbanks, AK 99701.

By application filed July 12, 1971, applicant seeks inclusion within the terms of the General Certificate of Exemption to transport *Mail* in the following territory:

Between Anchorage and Kenai, Alaska. Appended to the application is a postal contract held by applicant which was in effect on July 1, 1971, the critical "grandfather" date: Route No. 99597 relating to service between Anchorage and Kenai, Alaska. Applicant holds motor carrier authority in No. MC–118518.

Any interested person desiring to oppose the application may file with the Commission an original and one copy of his written representations, views, or arguments in opposition to the application within 30 days from the date of this publication in the FEDERAL REGISTER. A copy of each such pleading should be served upon applicant's representative.

Interstate Commerce Commission, Ex Parte No. MC–86 (Notice of Filing an Application for Inclusion Within the Terms of the General Postal Certificate of Exemption), filed July 28, 1971. Applicant: LLOYD D. JORDAN, Drewsey, Oreg. 97904.

By application filed July 28, 1971, applicant seeks inclusion within the terms of the General Postal Certificate of Exemption to transport *mail* in the following territory:

Between Drewsey and Van, Oreg. Appended to the application is a postal contract held by applicant which was in effect on July 1, 1971, the critical "grandfather" date: Route No. 97968 (formerly Route No. 40238) relating to service between Drewsey and Van, Oreg.

Any interested person desiring to oppose the application may file with the Commission an original and one copy of his written representations, views, or arguments in opposition to the application within 30 days from the date of this publication in the FEDERAL REGISTER. A copy of each such pleading should be served upon applicant.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72–7480 Filed 5–17–72;8:45 am]

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PART II

INTERIM COMPLIANCE PANEL

(Coal Mine Health and Safety)

PERMITS FOR NONCOMPLIANCE WITH 2mg/m^3 RESPIRABLE DUST STANDARD

Notice of Proposed Rule Making

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

[30 CFR Part 502]

PERMITS FOR NONCOMPLIANCE WITH 2 mg./m.³ RESPIRABLE DUST STANDARD

Notice of Proposed Rule Making

Notice is hereby given that the Interim Compliance Panel, established by section 5 of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 804), proposes to issue regulations as a part of Chapter V in Title 30, Code of Federal Regulations. Such proposed regulations are identified as Part 502 and they set forth the procedure for obtaining permits for noncompliance with the 2 mg./m.³ respirable dust standard prescribed in the said Act.

The Federal Coal Mine Health and Safety Act of 1969 (at 30 U.S.C. 842 (b)(2)) requires that, commencing December 30, 1972, and thereafter, the operator of each underground coal mine shall continuously maintain the average concentration of respirable dust in the mine atmosphere of the active workings during each shift at or below 2 milligrams of respirable dust per cubic meter of air. The Act also provides that the Interim Compliance Panel, on application filed no later than October 31, 1972, which application meets detailed requirements set forth in the Act (at 30 U.S.C. 842(c)) and in this Part 502, may issue a permit for noncompliance with the 2 mg./m.³ respirable dust standard, provided that no permit may authorize a respirable dust level in excess of 3 mg./m.³. This regulation covers only procedures for applying for, consideration of, and issuance or denial of initial and renewal permits for noncompliance with the 2 mg./m.³ standard.

Procedures for requesting hearings on applications are specified in §§ 502.10 and 502.11 of these regulations and in 30 CFR Part 505.

Interested persons may submit written comments, suggestions, or objections regarding the proposed regulations to the Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, DC 20006, no later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Title 30 CFR Part 502 would provide as follows:

PART 502—PERMITS FOR NONCOMPLIANCE WITH 2 mg./m.³ RESPIRABLE DUST STANDARD

Sec.

§ 502.1 Application of this Part 502.

This Part 502 applies to applications for permits and renewals thereof allowing operators of underground coal mines to operate in noncompliance with the 2 mg./m.³ respirable dust standard set forth in section 202(b)(2) (30 U.S.C. 842(b)(2)) of the Federal Coal Mine Health and Safety Act of 1969, and to requests for hearings conducted with respect to such applications.

§ 502.2 Definitions.

As used in this part:

(a) "Act" means the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91–173, 30 U.S.C. 801 through 960);

(b) "Panel" means the Interim Compliance Panel, an independent agency established by section 5 of the Act (30 U.S.C. 804);

(c) "U.S.B.M." means the U.S. Bureau of Mines, Department of the Interior;

(d) "2 mg./m.³ standard" means the average concentration of respirable dust prescribed by section 202(b)(2) of the Act (30 U.S.C. 842(b)(2));

(e) "Operator" means any owner, lessee, or other person who operates, controls, or supervises an underground coal mine and who files an application with the Panel for an initial permit or renewal for noncompliance with the 2 mg./m.³ standard with respect to a mine designated in such application;

(f) "Application" means a request by an operator for an initial permit or renewal for noncompliance filed in accordance with and containing all of the information required by this Part 502;

(g) "Permit" means an initial permit for noncompliance issued to an operator, or a renewal thereof, which entitles the operator to exceed the 2 mg./m.³ standard with respect to all working places in the mine designated in such permit or renewal;

(h) "Working place" means the area of a coal mine in by the last open crosscut;

(i) "Working section" means all areas of the coal mine from the loading point of the section to and including the working faces;

(j) "U.S.B.M. respirable dust series" means an up-to-date series of respirable dust samples taken and submitted to the U.S.B.M. pursuant to the provisions of U.S.B.M. regulations, Part 70, Subpart C, of this title, or subsequent revision thereof; and

(k) "Certified engineer" means a person certified or registered by the US.B.M. for the purpose of conducting a survey of the respirable dust conditions of a mine.

§ 502.3 Filing procedures.

(a) Application forms may be obtained upon request to the Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, DC 20006.

(b) Each application shall contain the information specified hereinafter and should be submitted on the form provided by the Panel. The original and one copy of each application shall be filed by mail or by personal delivery to the Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, DC 20006. In order to meet the filing deadline established by the Act, applications must be received by the Panel no later than October 31, 1972, or bear a postmark date no later than October 31, 1972. Postage meter dates will not be accepted as verification of date of mailing.

(c) The accuracy of the information set forth in each application submitted shall be attested by the operator and the certified engineer as evidenced by their signatures. The certified engineer shall also set forth his U.S.B.M. certification number.

(d) Prior to the time an application is mailed or delivered to the Panel, the operator or his agent shall post on the mine bulletin board a notice that such application is being filed and that a copy of the application is available at the mine office for inspection by any interested person during regular working hours. The notice shall remain posted until the operator is informed of the Panel's action on the application.

(e) A copy of each application received by the Panel will be available at the office of the Panel in Washington, D.C., for inspection by any person during official working hours.

§ 502.4 Information required—responsibility of operator.

The operator shall include in his application a report of the engineering survey described in § 502.5 and each of the following items of information:

(a) The name, address, telephone number, and U.S.B.M. identification number of the mine with respect to which a permit is requested;

(b) The name, address, and telephone number of the operator;

(c) A statement that notice of the application has been posted on the bulletin board of such mine;

(d) A description of the methods of mining used in the mine;

(e) A description of the ventilation system of the mine and its capacity;

(f) A list of all working sections identified by name and by U.S.B.M. identification number;

(g) A statement that the operator is unable to comply with the 2 mg./m.³ standard at specified working places because the technology for reducing the concentration of respirable dust at such places is not available, or because of the lack of other effective control techniques or methods, or because of any combination of such reasons; and

(h) A statement of the means and methods which will be employed to achieve compliance with the 2 mg./m.³

standard, the progress made toward achieving compliance, and an estimate of the date on which compliance can be achieved.

§ 502.5 Information required—engineering survey.

A certified engineer shall conduct a survey of the respirable dust conditions of each working place of the mine with respect to which an application is filed. The application shall contain a report of the results of such survey, including each of the following items of information:

(a) A description of the available technology used in the mine to control dust including:

(1) The quantity and velocity of air reaching the working faces;

(2) The amount and pressure of water, if any, reaching the working faces;

(3) The number, location, and type of sprays, if any; and

(4) Other dust control methods and techniques, if any.

(b) A statement of the engineer's professional opinion as to the operator's current ability to maintain the respirable dust in the working places at or below the 2 mg./m.³ standard;

(c) A list of the names and the U.S.B.M. numbers of the working sections in which compliance with the 2 mg./m.³ standard cannot be maintained;

(d) A statement of the engineer's professional opinion detailing the specific factors preventing compliance with the 2 mg./m.³ standard and the means and methods deemed necessary to achieve compliance with the 2 mg./m.³ standard; and

(e) A statement of the means and methods to be employed to achieve compliance with the 2 mg./m.³ standard, the progress made toward achieving compliance, and an estimate of the date when compliance can be achieved.

§ 502.6 Processing of applications—additional evidence.

All applications timely filed in accordance with the provisions of this part will be processed by the Panel in the order in which completed applications are received. The Panel will consider the respirable dust sampling data of record with the U.S.B.M. for the mine, but will not issue a permit unless a U.S.B.M. respirable dust series has been established. The Panel will make its determination on the basis of the application, the respirable dust sampling records on file with the U.S.B.M., and such additional evidence as the Panel deems necessary to its determination, including, but not limited to, evidence in support of representations made in the application. Each applicant shall, upon written request by the Panel, submit such additional evidence in writing.

§ 502.7 Issuance of initial permits.

(a) The Panel may issue an initial permit to cover all working places in the mine based upon an application which is timely filed and complete in all material respects in accordance with §§ 502.3 to 502.6, inclusive.

(b) Each initial permit will be issued for the period specified by the Panel but in no case for more than 1 year. Each permit will specify the average concentration of respirable dust which the operator will be entitled to maintain, but in no case shall the level be greater than 3 mg./m.³

(c) If a permit is issued, such permit will be forwarded to the operator. If a permit is denied, the Panel will advise the operator in writing of the reasons therefor, and the operator shall be entitled to request a public hearing pursuant to the provisions of §§ 502.10 and 502.11.

(d) The permit and one copy will be mailed to the operator at the address specified in the application. A copy of the permit shall immediately be posted on the bulletin board of the affected mine by the operator or his agent.

(e) No permit shall be valid beyond December 30, 1975, or the date which the 2 mg./m.³ standard is superseded by improved mandatory health standards, whichever first occurs.

§ 502.8 Applications for renewal of permits.

(a) To be considered by the Panel, every application for renewal of a permit must be:

(1) Filed with the Panel not more than 90 days nor less than 30 days prior to the expiration date of the permit in effect; and

(2) Submitted on the form and in the manner prescribed in §§ 502.3 through 502.6 inclusive, specifically setting forth the actions which have been taken to achieve compliance since the date of filing the previous application, and new plans, if any.

(b) When an application for renewal of a permit for noncompliance is received, the Panel shall cause to be published in the FEDERAL REGISTER a notice giving any interested person an opportunity to file with the Panel a request for a public hearing.

(c) On or before the 15th day after publication of notice in the FEDERAL REGISTER that an application for renewal has been accepted for consideration, any interested person may file pursuant to provisions of §§ 502.10 and 502.11 a request for a public hearing.

(d) After public hearing, or after the expiration of the aforementioned 15-day period if no hearing has been requested pursuant to paragraph (c) of this § 502.8, the Panel shall make its determination on the merits of the application for a renewal.

§ 502.9 Renewal of permits.

(a) The Panel may renew a permit when an application for renewal has been timely filed and is complete in all material respects in accordance with § 502.3.

(b) In order for a renewal application to be considered, an operator must provide information in his application which will enable the Panel to determine that he will be unable to comply with the 2 mg./m.³ standard upon the expiration date of his existing permit.

(c) The Panel will obtain from the U.S.B.M. and consider the respirable dust sampling data which is on file with the U.S.B.M.

(d) Each renewal will be issued for the period specified by the Panel, but in no case for a period longer than 1 year. The period of noncompliance authorized by renewal shall not extend beyond December 30, 1975. Each renewal will specify the average concentration of respirable dust which the operator will be entitled to maintain in the working places of the mine, but in no case shall the level be greater than 3 mg./m.³.

(e) If a renewal is granted, it will be forwarded to the operator. If a renewal is denied, the Panel will advise the operator in writing of the reasons therefor, and the operato. may be entitled to request a public hearing pursuant to the provisions of §§ 502.10 and 502.11.

(f) The renewal and one copy will be mailed to the operator at the address specified in the application. A copy of the renewal shall immediately be posted on the bulletin board of the affected mine by the operator or his agent.

§ 502.10 Requests for hearing.

Any person interested in an application for a permit, including the operator or a representative of the miners of an affected mine, may request a public hearing. The request must satisfy the requirements of § 502.11 and be filed with the Panel:

(a) Where the application is for an initial permit, within 15 days after the mailing of the Panel's decision on the application; or

(b) Where the application is for renewal of a permit, within 15 days after the notice of opportunity for public hearing is published in the FEDERAL REGISTER pursuant to § 502.8(b). However, an operator may file a request for a hearing on an application for the renewal of a permit within 15 days after the date of mailing of the Panel's decision on the application provided that no hearing has previously been conducted concerning the application for renewal.

§ 502.11 Filing of requests for hearing—contents.

(a) Requests for public hearings shall be submitted by letter mailed or delivered to the Panel. If such a request is made by a person other than the operator, the person making the request shall mail a copy of the request to the operator.

(b) Requests for hearings shall be in writing, signed by the person making the request and shall:

(1) State the interest, in the application or in the decision of the Panel, of the person making the request;

(2) State whether the person making the request seeks the issuance, denial, or modification of the permit; and

(3) Allege specific facts which are claimed to raise a substantial issue and which, if established at the hearing, would result in the issuance, denial, or modification of the permit.

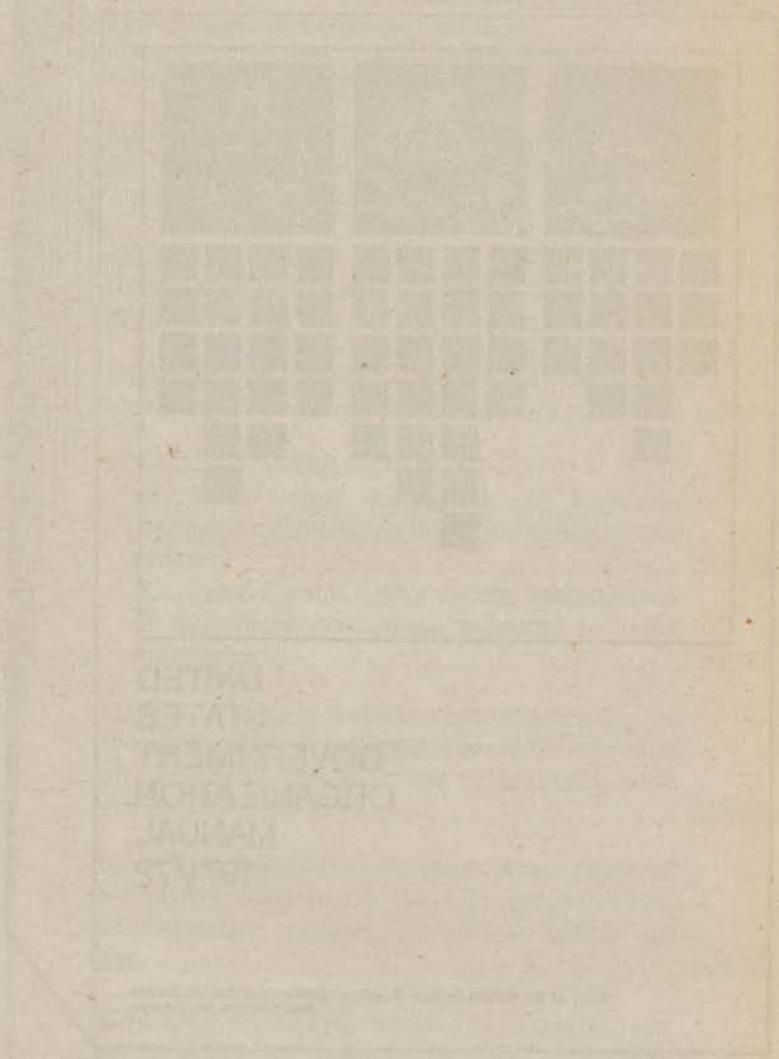
§ 502.12 Public hearings—practice and procedure.

Public hearings will be conducted pursuant to the Panel's regulation governing practice and procedure for hearings, Part 505 of this chapter (35 F.R. 11296, July 15, 1970).

Dated: May 15, 1972.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

[FR Doc.72-7549 Filed 5-17-72;8:45 am]



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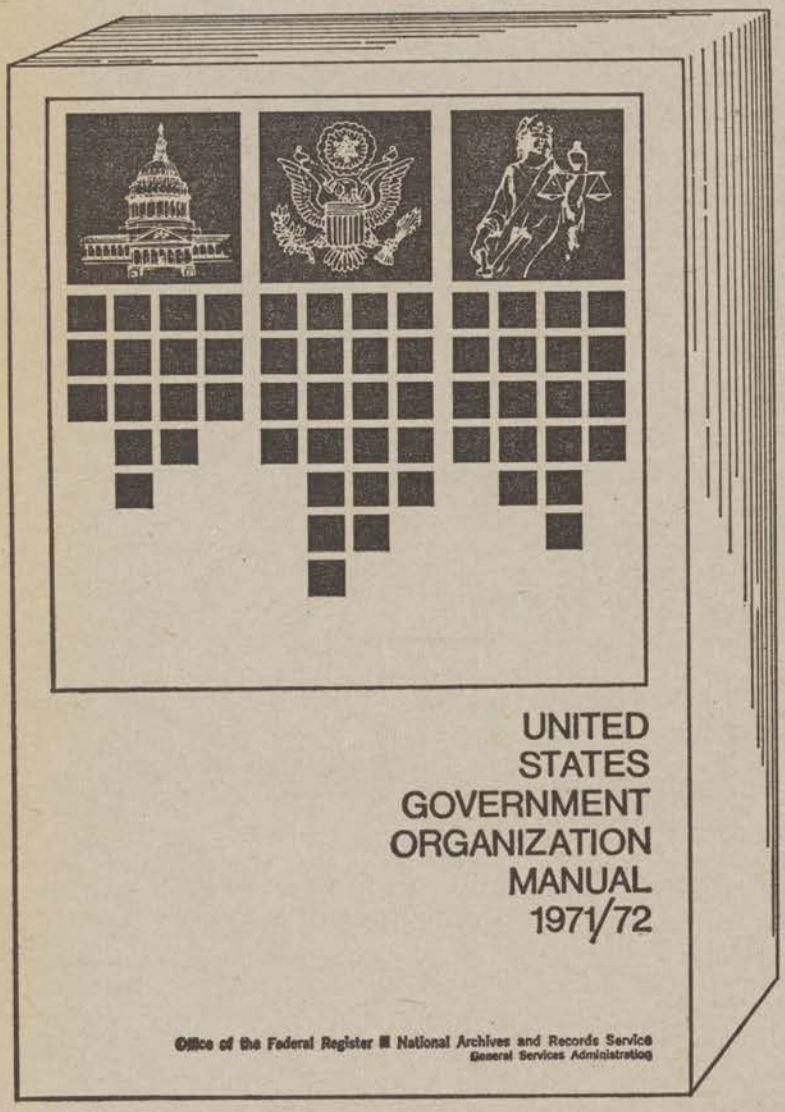

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