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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. In the last issue of the month the cumulative list will appear at the end of the issue.

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 7—AGRICULTURE

Chapter II—Food and Nutrition Service, Department of Agriculture

PART 225—SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

Second Apportionment of Food Assistance and Nonfood Assistance Funds

The appendix to Part 225, Title 7, is amended as follows:

Appendix—**Second Apportionment of Food Assistance and Nonfood Assistance Funds Pursuant to National School Lunch Act for Fiscal Year 1972.**

Pursuant to section 13, of the National School Lunch Act, as amended, food assistance and nonfood assistance funds available for the fiscal year 1972 are reapportioned among the States to meet their year-round program level as follows:

Funds unneeded by States to maintain year-round program level and indicated in the table as a balance are available for summer program operations or for carryover use.

State	Total apportionment
Alabama	$391,379
Alaska	22,250
Arizona	183,814
Arkansas	157,460
California	656,700
Colorado	182,941
Connecticut	248,036
Delaware	105,864
District of Columbia	182,259
Florida	863,146
Georgia	885,483
Guam	2,866
Hawaii	81,766
Idaho	48,791
Illinois	707,863
Indiana	421,845
Iowa	173,711
Kansas	143,137
Kentucky	323,964
Louisiana	736,524
Maine	123,309
Maryland	183,142
Massachusetts	428,989
Michigan	436,405
Minnesota	550,061
Mississippi	185,968
Missouri	511,692
Montana	60,919
Nebraska	126,958
Nevada	58,893
New Hampshire	77,667
New Jersey	391,011
New Mexico	165,416
New York	849,988
North Carolina	738,144
North Dakota	41,005
Ohio	793,622
Oklahoma	357,613
Oregon	131,956
Pennsylvania	637,848
Puerto Rico	0
Rhode Island	73,663
South Carolina	349,092
South Dakota	$140,373
Tennessee	497,322
Texas	700,000
Utah	62,796
Vermont	104,642
Virginia	398,979
Virgin Islands	7,468
Washington	227,534
West Virginia	271,106
Wisconsin	366,614
Wyoming	23,115
Samoa, American	0
Trust Territory	6,265
Subtotal	16,599,374
Balance	4,175,626
Total	20,775,000

(Sec. 13, 82 Stat. 117; 42 U.S.C. 1761)

Dated: June 15, 1972.

HOWARD P. DAVIS,
Acting Administrator.

[FR Doc.72-9306 Filed 6-20-72;8:46 am]

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

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 9]

PART 811—CONTINENTAL SUGAR REQUIREMENT AND AREA QUOTAS

Requirements, Quotas and Quota Deficits for 1972

Basis and purpose and bases and considerations. This amendment is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter referred to as the "Act." The purpose of this amendment to Sugar Regulation 811, as amended, is to revise the determination of sugar requirements for the calendar year 1972, establish quotas and prorations consistent with such requirements and to determine and prorate or allocate the deficits in quotas established pursuant to the Act.

Section 201(a) of the Act requires a determination of the amount of sugar needed to meet the requirements of consumers in the continental United States whenever necessary to attain the price objectives set forth in section 201(b) of the Act.

Section 202(g)(3) of the Act, which sets forth the procedure to use in attaining such price objective, provides that whenever the simple average of prices of raw sugar for 7 consecutive market days ending after March 1 and before November 1 is 4 per centum or more above or below the average price objective for the preceding 2 calendar months, the determination of requirements of consumers shall be adjusted to the extent necessary to attain such price objective.

For the 7 consecutive market days ended June 2, the simple average of the daily price of raw sugar was 8.64 cents per pound and was at least 4 per centum below the average price objective of 9.00 cents per pound. Therefore, a downward adjustment in sugar requirements is considered appropriate at this time to meet the requirements of the Act.

A decrease in requirements of 200,000 short tons, raw value, is necessary to obtain the price objective set forth in the Act.

Accordingly, total sugar requirements for the calendar year 1972 are hereby decreased by 200,000 short tons, raw value, to a total of 11.8 million short tons, raw value.

Section 204(a) of the Sugar Act of 1948, as amended, provides in part that "The Secretary shall, at the time he makes his determination of requirements of consumers for each calendar year and on December 15 preceding each calendar year, and as often thereafter as the facts are ascertainable by him but in any event not less frequently than each 60 days after the beginning of each calendar year, determine whether, * * * any area or country will not market the quota for such area or country."

It was determined in amendment 2 of this Sugar Regulation 811 that the Domestic Beet Sugar Area would be unable to market in 1972 sugar in excess of 3,500,000 short tons, raw value. In previous amendments deficits have been determined in the quota for the Beet area of 287,333 tons representing the amount its quota exceeded 3,500,000 tons. Since this amendment decreases the quota for that area by 95,333 tons, deficits previously determined in the 1972 quota for the Domestic Beet Sugar Area are reduced by 95,333 short tons, raw value. On the basis of the quota established for Puerto Rico for the calendar year 1972, findings were heretofore made (36 F.R. 21871, 37 F.R. 3629) that Puerto Rico was unable to fill its quota by 650,000 tons, raw value, and accordingly quota deficits were determined for Puerto Rico totaling 650,000 tons. On the basis of the latest available information it is herein found that Puerto Rico will be unable to fill its quota by an additional 30,000 short tons, raw value. Therefore, a total deficit is herein determined in the 1972 quota for Puerto Rico of 680,000 short tons, raw value. If production exceeds the present estimates for the Domestic Beet Area and Puerto Rico, the marketing opportunities for those areas within the total mainland quota for each area will not be limited as a result of the deficit determinations and prorations provided herein.

The Government of the West Indies informed the Department prior to

June 1, 1972, that it will be able to supply only 206,788 short tons, raw value, of sugar to the United States during 1972. Therefore, it is hereby found that the West Indies will be unable to fill deficit prorations previously allocated to it of 15,940 tons. Accordingly, a deficit is hereby determined in the quota for the West Indies of 15,940 short tons, raw value. The Government of Panama informed the Department prior to June 1, 1972, that it will be able to supply only 43,500 short tons, raw value, of sugar to the United States during 1972. Therefore, it is hereby found that Panama will be unable to fill deficit prorations previously allocated to it of 2,450 tons. Accordingly, a deficit is herein determined in the quota for Panama of 2,452 short tons, raw value. The Governments of the Bahamas, Bolivia, and Uganda notified the Department prior to June 1, 1972, that each country will be unable to supply any of its quota sugar to the United States in 1972. Therefore, it is hereby found that the Bahamas, Bolivia, and Uganda will be unable to supply their quota prorations under section 202 of the Act of 23,728, 5,713, and 15,252 short tons, raw value, respectively. It is also found that the Bahamas and Bolivia will be unable to fill deficit prorations previously allocated to them of 5,464 and 1,315 short tons, raw value, respectively. Accordingly, deficits are hereby determined in the quotas for the Bahamas, Bolivia, and Uganda of 29,192, 7,028, and 15,252 short tons, raw value, respectively.

The total deficits determined in quotas established under section 202 of the Act for domestic areas and Western Hemisphere countries are reallocated by allocating 30.08 percent to the Republic of the Philippines, providing a special allocation of 21,507, 17,950, and 4,415 tons to Costa Rica, Guatemala, and Honduras, respectively, and prorating the balance to Western Hemisphere quota countries on the basis of 202 quotas, except such prorations are limited for the West Indies, Panama, and Haiti so that their total quotas will not exceed 206,788, 43,500, and 29,812 tons, respectively. The deficit in the quota for Uganda is reallocated by allocating 30.08 percent to the Republic of the Philippines and prorating the balance on the basis of 202 quotas to Eastern Hemisphere quota countries except Ireland.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by amending §§ 811.10, 811.11, 811.12, and 811.13 as follows:

1. Section 811.10 is amended to read as follows:

§ 811.10 Sugar Requirements, 1972.

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1972 is hereby determined to be 11.8 million short tons, raw value.

2. Section 811.11 is amended by amending paragraph (a) to read as follows:

§ 811.11 Quotas for domestic areas.

(a) (1) For the calendar year 1972 domestic area quotas limiting the quantities of sugar which may be brought into or marketed for consumption in the continental United States are established, pursuant to section 202(a) of the Act, in column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established, pursuant to section 207 of the Act in column (2) as follows:

Area	Quotas (1)	Direct-consumption limits (2)
	(Short tons, raw value)	
Domestic beet sugar	3,692,000	No limit
Mainland cane sugar	1,643,000	No limit
Hawaii	1,218,238	38,646
Puerto Rico	855,000	166,500

(2) It is hereby determined pursuant to section 204(a) of the Act that for the calendar year 1972 the Domestic Beet Sugar Area and Puerto Rico will be unable by 192,000 and 680,000 short tons, raw value, respectively, to fill the quotas established for such areas in subparagraph (1) of this paragraph. Pursuant to section 204(b) of the Act the determination of such deficits shall not affect the quotas established in subparagraph (1) of this paragraph.

* * * * *

3. Section 811.12 is amended by amending paragraph (a) to read as follows:

§ 811.12 Proration and allocation of deficits in quotas.

(a) The total deficits determined in quotas established under section 202 of the Act in short tons, raw value, are as follows: Domestic Beet Sugar Area 192,000; Puerto Rico 680,000; Bahamas 23,728; Bolivia 5,713; and Uganda 15,252. The deficits for the domestic areas and Western Hemisphere countries totaling 901,441 tons are reallocated by allocating 30.08 percent to the Republic of the Philippines, providing a special allocation of 21,507, 17,950, and 4,415 tons to Costa Rica, Guatemala, and Honduras, respectively, and prorating the remainder to Western Hemisphere quota countries on the basis of quotas, determined under section 202 of the Act except such prorations to the West Indies, Panama, and Haiti are limited so that total quotas for each country will not exceed 206,788, 43,500, and 29,812 tons, respectively. The deficit in the quota for Uganda of 15,252 tons is reallocated by allocating 30.08 percent to the Republic of the Philippines and prorating the remainder on the basis of quotas determined under section 202 of the Act to Eastern Hemisphere quota countries, except Ireland.

* * * * *

4. Section 811.13 is amended by amending paragraphs (b) and (c) to read as follows:

§ 811.13 Quotas for foreign countries.

* * * * *

(b) For the calendar year 1972, the quota for the Republic of the Philippines is 1,401,761 short tons, raw value, representing 1,126,020 short tons, established pursuant to section 202 of the Act and 275,741 short tons established pursuant to section 204 of the Act. Of the quantity of 1,126,020 short tons established pursuant to section 202 of the Act, only 59,920 short tons, raw value, may be filled by direct-consumption sugar pursuant to section 207(d) of the Act.

(c) For the calendar year 1972, the prorations to individual foreign countries other than the Republic of the Philippines pursuant to section 202 of the Act are shown in columns (1) and (2) of the following table. Deficit prorations previously established in this Sugar Regulation 811 are shown in column (3). New deficit prorations established herein are shown in column (4). Total quotas and prorations are shown in column (5).

Countries	Basic quotas (1)	Temporary quotas and prorations pursuant to Sec. 202(d)[1] (2)	Previous deficit prorations (3)	New deficit prorations (4)	Total quotas and prorations (5)
			Short tons, raw value		
Dominican Republic	420,738	141,713	129,521	−126	691,846
Mexico	372,090	125,328	114,545	−111	611,852
Brazil	362,887	122,228	111,712	−108	596,719
Peru	259,674	87,463	79,939	−78	426,998
West Indies	135,425	45,614	41,689	−15,940	206,788
Ecuador	53,578	18,046	16,494	−16	88,102
Argentina	50,291	16,940	15,482	−15	82,698
Costa Rica	45,361	15,278	35,771	−14	96,396
Colombia	44,703	15,057	13,762	−14	73,508
Panama	27,940	9,411	8,601	−2,452	43,500
Nicaragua	42,403	14,281	13,054	−13	69,725
Venezuela	40,430	13,617	12,446	−12	66,481
Guatemala	38,787	13,064	29,890	−11	81,730
El Salvador	28,268	9,522	8,702	−8	46,484
British Honduras	22,352	7,529	6,880	−6	36,755
Haiti	20,379	6,864	1,957	612	29,812
Bahamas	17,750	5,978	5,464	−29,192	0
Honduras	7,889	2,657	6,844	−3	17,387
Bolivia	4,273	1,440	1,315	−7,028	0
Paraguay	4,273	1,440	1,315	−1	7,027
Australia	165,008	41,932		3,857	210,797
Republic of China	68,699	17,458		1,606	87,763
India	66,069	16,790		1,544	84,403
South Africa	46,676	11,861		1,091	59,628
Fiji Islands	36,157	9,188		845	46,190
Mauritius	24,324	6,181		569	31,074
Swaziland	24,324	6,181		569	31,074
Thailand	15,120	3,843		353	19,316
Uganda	12,162	3,090		−15,252	0
Malagasy Republic	9,861	2,506		230	12,597
Ireland	5,351	0			5,351
Total	2,473,242	792,500	655,383	−59,124	3,862,001

[1] Proration of the quotas withheld from Cuba and Southern Rhodesia.

(Secs. 201, 202, 204, and 403; 61 Stat. 923, as amended, 924, as amended, 925, as amended, 932; and 7 U.S.C. 1111, 1112, 1114, and 1153)

Effective date. This action decreases requirements and quotas for the calendar year 1972 by 200,000 tons and revises deficit determinations and allocations. In order to promote orderly marketing, it is essential that this amendment be effective immediately so that all persons selling and purchasing sugar for consumption in the continental United States can promptly plan and market under the changed marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of 5 U.S.C. 553 is unnecessary, impracticable, and contrary to the public interest and this amendment shall be effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., on June 13, 1972.

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

[FR Doc.72-9273 Filed 6-20-72;8:50 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1427—COTTON

Subpart—Seed Cotton Loan Program Regulations

Correction

In F.R. Doc. 72-8865, appearing at page 11717, in the issue of Tuesday, June 13, 1972, the fourth line of § 1427.165(e), should be deleted.

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[72-645]

PART 545—OPERATIONS

Land Acquisition and Development Loans

JUNE 7, 1972.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend § 545.6-14 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6-14) for the purpose of decreasing the amount of loan reduction required in the event of release from the mortgage loan of certain security. Accordingly, on the basis of such consideration and for such purpose, the Federal Home Loan Bank Board hereby amends said § 545.6-14 by revising paragraph (e) thereof to read as follows, effective June 21, 1972:

§ 545.6-14 Loans to finance acquisition and development of land.

* * * * *

(e) *Releases; loan extensions.* Upon the release from the lien of any portion of the security property, the principal balance of any loan made under this section (other than that portion of a loan under paragraph (d) of this section attributable to construction of homes or single-family dwellings) shall be reduced by an amount at least equal to 110 percent of that portion of the outstanding principal loan balance which is attributable to the value of the property to be released. Upon the release from the lien of any home or single-family dwelling, the principal balance of any such loan shall be reduced by an amount at least equal to that portion of the outstanding loan balance which is attributable to the value of the property to be released. "Value" for the purposes of the preceding two sentences is to be the value fixed at the time the loan was made or the loan amount was determined. The board of directors of a Federal association may approve the extension of any such loan for a period of not more than 1 year beyond the loan-term limit and may approve a second extension for an additional period of not more than 1 year.

No such approval may be given unless (1) interest on the loan is current, (2) the unpaid principal balance of the loan is or has been reduced to an amount not in excess of 75 percent of the value of the security property (80 percent of the value of homes or single-family dwellings, less any amortization required by paragraph (d) of this section), and (3) such board of directors has before it (i) an audited current financial statement of the borrower, (ii) a current written credit report on the borrower, (iii) a current independent appraisal of the security property, and (iv) a current written report on the feasibility of repayment of the loan at the expiration of the extension.

* * * * *

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

Resolved further that, since the above amendment relieves restriction, the Board hereby finds that notice and public procedure with respect to said amendment are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of said amendment for the period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendment would in the opinion of the Board likewise be unnecessary for the same reason, the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[FR Doc.72-9361 Filed 6-20-72;8:51 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 72-CE-2-AD, Amdt. 39-1468]

PART 39—AIRWORTHINESS DIRECTIVES

Certain Models of Cessna Airplanes

AD 72-3-3, Amendment 39-1385 (37 F.R. 1357, 1358), as amended by Amendment 39-1431 (37 F.R. 7149), applicable to certain models of Cessna 150, 172, 177, 182, 205, 206, 207, and 210 airplanes is an Airworthiness Directive which provides modification of the flap actuator system on these airplanes on or before January 1, 1973, and requires repetitive inspections and certain maintenance of the actuator jack screw until said modification is accomplished.

Subsequent to the issuance of AD 72-3-3 information received by the FAA indicates that some owners/operators are misinterpreting the applicability statement as presently written. Accordingly, the applicability statement is being clarified by revising it to list all affected models and serial numbers.

Since this amendment is clarifying in nature, compliance with the notice and public procedure provisions of the Administrative Procedure Act is not necessary and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of the Federal Aviation Regulations, Amendment 39-1385, as amended by Amendment 39-1431, AD 72-3-3, is amended by changing the applicability statement so that it now reads as follows:

CESSNA. Applies to the following airplanes:

Models	*Serial Nos.*
150F, G, H, J, K, L	15061533 through 15072629.
F150F, G, H, J, K, L	F15000001 through F15000738.
A150K, L	A1500001 through A1500277.
FA150K, L	FA1500001 through FA1500161.
172F, G, H, I, K, L	17251823 through 17259904.
F172F, G, H, K	F17200086 through F17200804.
R172E, F, G, H	R1720001 through R1720494.
FR172E, F, G, H	R17200001 through FR17200305.
177, 177A, B	17700001 through 17701633.
177RG	177RG0001 through 177RG0212.
F177RG	F177RG0001 through F177RG0042.
182E, F, G, H, J, K, L, M, N	18253599 through 18260698.
A182J, K, L, M, N	A18200001 through A18200136.
205, 205A	205-0001 through 205-0577.
206	2060001 through 2060275.

Models	*Serial Nos.*
P206, P206A, B, C, D, E	P206–0001 through P206–0647.
U206, U206A, B, C, D, E	U206–0276 through U206–1673.
207	20700001 through 20700205.
210D, E, F, G, H, J, K	21058221 through 21059470.
T210F, G, H, J	T210–0001 through T210–0454.

This amendment becomes effective June 27, 1972.

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

Issued in Kansas City, Mo., on June 13, 1972.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.72-9286 Filed 6-20-72;8:45 am]

[Airspace Docket No. 72-GL-7]

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

Alteration of Federal Airway Segments

On March 29, 1972, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (37 F.R. 6406) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would realign segments of VOR Federal airway Nos. V–7, V–191, V–217 and would rescind V–479 in the Chicago, Ill./Green Bay, Wis., area.

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

Subsequent to the publication of the notice, a review of airway requirements made by the Chicago Air Route Traffic Control Center indicated that the interests of the users in the Chicago-Milwaukee vicinity would be best served by retaining certain alignments without the changes as proposed in the notice, and by renumbering certain other airways. The review was made to provide the best airway identifiers for overflights, Specifically, the proposed actions and the actions to be taken are as follows:

It was proposed to realign V–7 airway from Chicago Heights, Ill., to Green Bay, Wis., via INT Chicago Heights 358° and Green Bay 166° radials, eliminating V–7E from Chicago Heights, Ill., to Milwaukee, Wis. The action taken herein is the same as that proposed except that V–7E will be retained from Chicago Heights via Sturgeon INT to Taylor INT.

It was proposed to realign V–217 from Northbrook, Ill., INT Northbrook 332° and Milwaukee 182° radials; Milwaukee; Green Bay, Wis.; 32 miles, 39 miles, 31 MSL, Rhinelander, Wis.; 24 miles, 80 miles, 55 MSL, Duluth, Minn. The action taken herein retains the existing alignment of V–217 from O'Hare to Taylor, thence via the proposed realignment of V–17 to Pike INT, thence via the existing alignment of V–30S airway to Milwaukee, thence as proposed in the notice to Duluth.

The alterations made herein to V–191 and V–479 are the same as proposed in the notice. Since the actions taken herein which differ from those proposed in the notice affect only the numbered identifiers of the airways involved, and do not alter airway alignments, a supplemental notice of proposed rule making will not be issued. However, any person that wishes to comment on these actions may do so by writing to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, IL 60018. Any such comment would be considered and could be the subject of subsequent rule making action.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 17, 1972, as hereinafter set forth.

Section 71.123 (37 F.R. 2009 and 3745) is amended as follows:

a. In V–7 all between "Chicago Heights, Ill.;" and "Green Bay, Wis.;" is deleted and "INT Chicago Heights 358° and Green Bay, Wis. 166° radials, including an east alternate via INT Chicago Heights 013° and Milwaukee, Wis. 137° radials to the INT Milwaukee 137° and Chicago-O'Hare 019° radials;" is substituted therefor.

b. In V–191 all between "Northbrook, Ill.;" and "Oshkosh, Wis.;" is deleted and "INT Northbrook 332° and Milwaukee, Wis., 182° radials; Milwaukee;" is substituted therefor.

c. V–217 is amended to read:

From Chicago-O'Hare, Ill.; INT Chicago-O'Hare 019° and Milwaukee, Wis., 137° radials; INT Chicago Heights, Ill. 358° and Milwaukee 121° radials; Milwaukee; Green Bay, Wis.; 32 miles, 39 miles, 31 MSL, Rhinelander, Wis.; 24 miles, 80 miles, 55 MSL, Duluth, Minn.

d. V–479 is rescinded.

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

Issued in Washington, D.C., on June 14, 1972.

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

[FR Doc.72-9287 Filed 6-20-72;8:45 am]

[Airspace Docket No. 72-NW-6]

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

Designation of Federal Airway

On March 29, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 6406) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate VOR Federal airway No. 357 from Baker, Oreg., to Walla Walla, Wash.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 17, 1972, as hereinafter set forth.

Section 71.123 (37 F.R. 2009) is amended by adding:

V–357 From Baker, Oreg.; Walla Walla, Wash.

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

Issued in Washington, D.C., on June 14, 1972.

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

[FR Doc.72-9288 Filed 6-20-72;8:45 am]

[Airspace Docket No. 72-SO-39]

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

Alteration of Transition Area

On May 5, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 9138), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Nashville, Tenn., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 17, 1972, as hereinafter set forth.

In § 71.181 (37 F.R. 2143), the Nashville, Tenn., transition area is amended as follows: "* * * 21.5 miles southeast of the VORTAC * * *" is deleted and "* * * 21.5 miles southeast of the VOR TAC; within 3 miles each side of the 138° bearing from Sewart RBN (lat. 35°57'19" N., long. 86°27'45" W.), extending from the 8.5-mile radius area to 8.5 miles southeast 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 June 13, 1972.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.72-9289 Filed 6-20-72;8:45 am]

[Airspace Docket No. 72-SO-62]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Sumter, S.C., control zone.

The Sumter control zone is described in § 71.171 (37 F.R. 2056) and is presently effective 24 hours per day. Since the Shaw AFB Control Tower will begin operating from 0700 to 2300 hours, local time, daily, effective July 1, 1972, it is necessary to alter the control zone to redesignate it as part-time. Since this amendment lessens the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 1, 1972, as hereinafter set forth.

In § 71.171 (37 F.R. 2056), the Sumter, S.C., control zone is amended as follows: "This control zone is effective from 0700 to 2300 hours, local time, daily." is added to the description.

(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 at East Point, Ga., on June 13, 1972.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.72-9290 Filed 6-20-72;8:45 am]

[Airspace Docket No. 71-GL-24]

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

Alteration of Control Zone and Transition Area

Correction

In F.R. Doc. 72-3316 appearing on page 4703 of the issue for Saturday, March 4, 1972, in the description of the Findlay, Ohio, control zone, the figure "6½-mile-radius" in the eighth line should read "5-mile-radius".

[Docket No. 12000; Amdt. 815]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

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 July 20, 1972.

Brookings, S. Dak.—Brookings Municipal Airport; VOR Runway 12, Amdt. 1; Revised.
Brookings, S. Dak.—Brookings Municipal Airport; VOR Runway 30, Original; Established.
Bryce Canyon, Utah—Bryce Canyon Airport; VOR-A, Amdt. 1; Revised.
Clinton, Iowa—Clinton Municipal Airport; VOR Runway 3, Amdt. 3; Revised.
Clinton, Iowa—Clinton Municipal Airport; VOR/DME Runway 21, Original; Established.
Colusa, Calif.—Colusa County Airport; VOR-A, Amdt. 1; Revised.
Crescent City, Calif.—Jack McNamara Field; VOR Runway 11, Amdt. 3; Revised.
Crescent City, Calif.—Jack McNamara Field; VOR/DME Runway 11, Amdt. 5; Revised.
Crescent City, Calif.—Jack McNamara Field; VOR/DME Runway 35, Amdt. 5; Revised.
Fairhope, Ala.—Fairhope Municipal Airport; VOR/DME-A, Amdt. 1; Revised.
Galveston, Tex.—Scholes Field; VOR Runway 13, Amdt. 8; Revised.
Gaylord, Mich.—Otsego County Airport; VOR Runway 27, Amdt. 4; Revised.
Holland, Mich.—Tulip City Airport; VOR-A, Amdt. 1; Revised.
Klamath Falls, Oreg.—Kingsley Field; VOR TAC Runway 14, Amdt. 2; Revised.
Llano, Tex.—Llano Municipal Airport; VOR-A, Original; Established.
Mansfield, Mass.—Mansfield Municipal Airport; VOR-A, Amdt. 8; Revised.
Marshall, Mich.—Brooks Field; VOR Runway 28, Amdt. 2; Revised.
Middleton Island, Alaska—Middleton Island Airport; VOR Runway 19, Amdt. 1; Revised.
Mobile, Ala.—Mobile Aerospace Airport; VOR Runway 32, Amdt. 3; Revised.
New York, N.Y.—John F. Kennedy International Airport; VOR Runway 22L, Amdt. 15; Canceled.
New York, N.Y.—John F. Kennedy International Airport; VORTAC Runway 22L, Original; Established.
North Little Rock, Ark.—North Little Rock Municipal Airport; VOR Runway 35, Original; Established.
Sioux City, Iowa—Sioux City Municipal Airport; VOR Runway 31, Amdt. 1; Revised.
Tallassee, Ala.—Tallassee Municipal Airport; VOR Runway 9, Original; Established.
Tallassee, Ala.—Tallassee Municipal Airport; VOR Runway 27, Original; Established.
Teterboro, N.J.—Teterboro Airport; VOR/DME-A, Amdt. 5; Revised.
Trenton, N.J.—Mercer County Airport; VOR-A, Amdt. 6; Revised.
Venice, Fla.—Venice Municipal Airport; VOR/DME-A, Original; Established.

2. Section 97.25 is amended by establishing, revising, or canceling the following SDF-LOC-LDA SIAP's, effective July 20, 1972.

Fort Lauderdale, Fla.—Fort Lauderdale Executive Airport; SDF Runway 8, Amdt. 1; Revised.
Fort Smith, Ark.—Fort Smith Municipal Airport; LOC (BC) Runway 7, Amdt. 1; Revised.
Tucson, Ariz.—Tucson International Airport; LOC Runway 11L, Amdt. 1; Revised.
Tucson, Ariz.—Tucson International Airport; LOC (BC) Runway 29R, Amdt. 1; Revised.

3. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAP's, effective July 20, 1972.

Atlantic City, N.J.—NAFEC Atlantic City/Pomona Airport; NDB Runway 13, Amdt. 6; Revised.
Brookings, S. Dak.—Brookings Municipal Airport; NDB Runway 12, Amdt. 5; Revised.
Clinton, Iowa—Clinton Municipal Airport; NDB Runway 3, Amdt. 1; Revised.
Clinton, Iowa—Clinton Municipal, Airport; NDB Runway 14, Amdt. 1; Revised.
Fairfield, Ill.—Fairfield Municipal Airport.; NDB Runway 36, Original; Established.
Florence, S.C.—Florence Municipal Airport; NDB Runway 9, Amdt. 1; Revised.
French Lick, Ind.—French Lick Municipal Airport; NDB Runway 26, Original; Established.
Galveston, Tex.—Scholes Field; NDB (ADF) Runway 13, Amdt. 7; Canceled.
Kissimmee, Fla.—Kissimmee Municipal Airport; NDB Runway 33, Original; Established.
Niagara Falls, N.Y.—Niagara Falls International Airport; NDB Runway 28R, Amdt. 12; Revised.
San Angelo, Tex.—Mathis Field; NDB Runway 3, Amdt. 7; Revised.
Teterboro, N.J.—Teterboro Airport; NDB Runway 6, Amdt. 12; Revised.
West Branch, Mich.—West Branch Community Airport; NDB Runway 27, Amdt. 1; Revised.

4. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's, effective June 29, 1972.

Washington, D.C.—Dulles International Airport; ILS Runway 1R, Amdt. 11; Revised.

5. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's, effective July 20, 1972.

Atlantic City, N.J.—NAFEC Atlantic City/Pomona Airport; ILS Runway 13, Amdt. 11; Canceled.
Flint, Mich.—Bishop Airport; ILS Runway 9R, Amdt. 6; Revised.
Florence, S.C.—Florence Municipal Airport; ILS Runway 9, Amdt. 1; Revised.
Fort Smith, Ark.—Fort Smith Municipal Airport; ILS Runway 25, Amdt. 10; Revised.
Klamath Falls, Oreg.—Kingsley Field; ILS Runway 32, Amdt. 13; Revised.
New York, N.Y.—John F. Kennedy International Airport; ILS Runway 13L, Amdt. 5; Revised.
Niagara Falls, N.Y.—Niagara Falls International Airport; ILS Runway 28R, Amdt. 16; Revised.
San Angelo, Tex.—Mathis Field; ILS Runway 3, Amdt. 10; Revised.
Tucson, Ariz.—Tucson International Airport; ILS Runway 11L, Amdt. 1; Revised.

6. Section 97.33 is amended by establishing, revising, or canceling the following RNAV SIAP's, effective July 20, 1972.

Jacksonville, Fla.—Craig Municipal Airport; RNAV Runway 31, Amdt. 1; Revised.
Teterboro, N.J.—Teterboro Airport; RNAV Runway 24, 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) and 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on June 13, 1972.

CLARENCE R. MELUGIN, 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.72-9192 Filed 6-20-72;8:45 am]

[Docket No. 12001]

PART 165—WAKE ISLAND CODE

Deletion

The purpose of this amendment to the Federal Aviation Regulations is to delete Part 165, "Wake Island Code."

Part 165 provided, at Wake Island, civil law and certain criminal law; a motor vehicle code; rules on registration of certain property, health and sanitation, public safety, utility services, and medical, dental, and hospital services; and airport rules, and landing and parking charges. Effective midnight, June 24, 1972, Wake Island date and time, the Department of Transportation will terminate its agreement with the Department of Interior (February 5, 1962, 27 F.R. 8887, extended August 26, 1967, 32 F.R. 12924), thereby relinquishing its responsibility for the civil administration of Wake Island, and the Department of the Air Force, by agreement with the Department of Interior, intends to assume that responsibility. As a result, Part 165 will cease to be effective at midnight on June 24, 1972, Wake Island date and time. The Department of the Air Force will adopt a similar code for Wake Island to become effective at the same time.

Since this amendment merely deletes obsolete regulatory material, compliance with the notice, public procedure, and effective date provisions of 5 U.S.C. sec. 553 is not required.

In consideration of the foregoing, Part 165 of Chapter I of Title 14 of the Code of Federal Regulations is deleted effective midnight on June 24, 1972, Wake Island date and time.

(Sec. 313(a), Federal Aviation Act of 1958, 49 U.S.C. 1354(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c); § 1.47 of the Regulations of the Office of the Secretary of Transportation, 49 CFR Part 12)

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

J. H. SHAFFER,
Administrator.

[FR Doc.72-9324 Filed 6-20-72;8:48 am]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[13th Gen. Rev. of the Export Reg., Amdt. 39]

PART 373—SPECIAL LICENSING PROCEDURES

PART 386—EXPORT CLEARANCE

Export Procedures and Requirements

Parts 373 and 386 are amended to read as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–1963 Comp.)

Effective date: July 3, 1972.

RAUER H. MEYER,
Director,
Office of Export Control.

In § 373.2, paragraph (f) is amended to read as set forth below.

§ 373.2 Project License.

* * * * *

(f) *Export clearance*—(1) *Shipper's Export Declaration.* The Shipper's Export Declaration covering an export made under a Project License shall be prepared in accordance with standard instructions. Although the Project License and amendments describe the commodities only in broad descriptive categories, commodity descriptions on the declaration shall show specifically the commodity description conforming to the applicable commodity control list description and incorporating any additional information where required by Schedule B; e.g., type, size, name of specific commodity, etc. In addition, the declaration shall include the Project License number, and one additional copy shall be prepared for each shipment. These copies shall be forwarded at the end of each month to the Office of Export Control (Attention 854), U.S. Department of Commerce, Washington, D.C. 20230.

(2) *Mail shipments.* Shipments by mail shall be made in accordance with the instructions contained in § 386.1(b) of this chapter.

(3) *Shipments exportable under General License GLV.* Notwithstanding any statement appearing on a Project License, a Project License holder may use either his Project License or General License GLV to export commodities which meet the provisions of General License GLV. The Project License, however, may not be used for shipments which can be made under any other general license.

* * * * *

Part 386 is revised to read as set forth below.

Sec.
386.1 General export clearance requirements.
386.2 Use of validated license.
386.3 Shipper's Export Declaration.
386.4 Conformity of documents for validated license shipments.
386.5 General destination control requirements.
386.6 Destination control statement.
386.7 Shipping tolerance.
386.8 Authority to custom offices and postmasters in clearing shipments.
386.9 Return or unloading of cargo at direction of U.S. Department of Commerce.
386.10 Other applicable laws and regulations.

AUTHORITY: The provisions of this Part 386 issued under sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E. O. 10945, 26 F.R. 4487, 3 CFR 1959–1963 Comp.; E. O. 11038, 27 F.R. 7003, 3 CFR 1959–1963 Comp.

§ 386.1 General export clearance requirements.

(a) *Responsibility of licensee and agent.* Under the Export Control Regulations, the exporter to whom a validated license is issued or who undertakes to export under a general license is legally responsible for the proper use of that license and for the due performance of all its terms and provisions. This responsibility continues even when he acts through a freight forwarder or other forwarding agent.

(b) *Exports by mail*—(1) *Validated license shipments.* No export under a validated license may be made by mail, including surfaces and air parcel post, until the sender (exporter) has entered the complete validated license number on the address side of the parcel and on a duly executed Shipper's Export Declaration covering the commodity to be

mailed, whether or not a declaration is required by the Bureau of Customs.[1]

(2) *General license shipments and shipments without an export license*—(i) *Declaration required.* Unless otherwise set forth specifically by the Export Control Regulations or by the Bureau of Census Foreign Trade Statistics Regulations (see Subpart D), the sender shall present to the post office at the place of mailing, a duly executed Declaration for each shipment to any destination under a general license (or to Canada or any other destination for which an export license is not required), from one business concern to another business concern when the shipment consists of a commodity(ies) valued at more than $250. A declaration is not required for noncommercial shipments.

(ii) *Designation on declaration and parcel.* The sender shall enter on the declaration the symbol of the applicable general license. Regardless of whether a declaration is required, the general license symbol shall also be written on the address side of the parcel followed by the phrase "Export License Not Required." No notation need be made on the package if the export is made under General License GTDA or GTDR. In addition, for a gift parcel exported under General License GIFT, the word "GIFT" shall be entered on the customs declaration tag. The general license symbol and phrase constitute a certification by the sender to the post office and to the Office of Export Control that the shipment is made under the authority of the general license indicated.

(c) *Exports by means other than mail*—(1) *Presentation of declaration.* Except as provided in subparagraph (2) of this paragraph, the exporter or his agent must present a duly executed Shippers' Export Declaration to the exporting carrier before the vessel, aircraft, or overland transport departs. The exporting carrier is responsible for the completeness and accuracy of the information on the declaration regarding the name of the exporting carrier (and flag for shipments by vessel), foreign port of unloading, and bill of lading or air waybill number. If the carrier is required to file a cargo manifest with the Bureau of Customs, the declaration shall be submitted with the manifest. If the carrier is not required to file a cargo manifest with the Bureau of Customs, the declaration must be submitted before the carrier departs.

(2) *Exceptions.* A declaration is not required for:

(i) Any shipment, other than a shipment made under a validated export license, to Country Group T, V, or X if the shipment is valued at $250 or less. (As used here "shipment" means all commodities classified under a single seven-digit Schedule B Number, shipped on the same carrier, from one exporter to one importer.);

(ii) Any shipment reported under the provisions of the Monthly Rep Procedure (§ 386.3(r)) or

(iii) Any shipment made under any other exception provided elsewhere in this part or in Part 371 of this chapter. (A complete list of such exceptions is set forth in Subpart D of the Census Bureau Foreign Trade Statistics Regulations.)

(3) *Exports not requiring a license.* Unless otherwise set forth in the Export Control Regulations or in the Bureau of the Census Foreign Trade Statistics Regulations (See Subpart D), a declaration is required for exports to Canada or to any other destination not requiring either a validated or a general license.

§ 386.2 Use of validated license.[2]

(a) *License valid for shipment from any port.* A license may authorize exports from the United States from any port of export, or port or origin. Commodities or technical data which leave the United States at one port, cross adjacent foreign territory, and reenter the United States at another port before final export to a foreign country will be treated as an export from the last U.S. port of export.

(b) *Shipments against expiring license*—(1) *Commodities ready for loading or laden.* (i) Commodities which are (*a*) laden aboard the exporting carrier, or (*b*) ready for lading and located on a pier for lading, and not for storage, prior to midnight of the expiration date of a license, may depart with the vessel even though the vessel does not clear until after the expiration date of the license.

(ii) Further, where the vessel is expected to be available at the pier for loading before the license expires, but exceptional and unforeseen circumstances delay it, the commodities may be exported without an extension of the license, if in the judgment of the customs office undue hardship would otherwise result.

(2) *Other shipments.* A shipment not coming within the above provisions may not be exported against an expiring license, unless the license is extended by the Office of Export Control.

(c) *Reshipment of undelivered shipments.* A shipment cleared under a validated export license may not be received by the ultimate consignee because the exporting carrier failed to deliver it. In such cases, the same, or an identical commodity, in the quantity or value shipped may be exported under the same license to the same consignee and destination, if satisfactory evidence of the original export and of the failure to deliver the shipment, together with a satisfactory explanation of the delivery failure, is submitted to the Office of Export Control. If a commodity is to be reexported to any person other than the original consignee, the shipment is deemed to be a new export and is subject to all current Export Control Regulations regarding the specific commodity and destination.

(d) *Records of validated license shipments*—(1) *Entries on reverse side of license.* The exporter or his agent shall maintain complete records of all shipments made against each validated license by recording each shipment on the reverse side of the license document in accordance with the following instructions:

(i) *Quantity.* Enter total quantity shipped in units shown on the license, including any amounts shipped under the tolerance provisions of § 386.7;

(ii) *Description.* Enter Export Control Commodity Number (including the italicized digit(s) in parentheses) and an abbreviated description of the commodity as shown on the license. Where the license covers two or more commodities, indicate clearly which commodity (ies) is being shipped;

(iii) *Value.* Enter total value of the commodities (selling price, or cost if not sold, including inland freight, insurance, and other costs to U.S. port of export, to the nearest whole dollar);

(iv) *Name of exporting carrier.* Enter name of vessel or airline on which shipment is exported. If other type of transportation is used, specify; e.g., truck, ferry, rail.

(v) *Port of export or post office of mailing.* Enter name of the port from which the shipment leaves the United States or the post office where the shipment is mailed;

(vi) *Date.* Enter date the shipment leaves the United States (if exact date not known, enter approximate date); and

(vii) *Customs officer or postmaster.* Enter the initials of the person recording the shipment data.

(2) *Export clearance continuation sheet.* If the reverse side of the export license is filled before shipments are completed, other shipments shall be recorded on a continuation sheet conforming to the format of the license. Continuation sheets shall be affixed to the license and numbered consecutively, and the export license number shall be entered on the top of each sheet. Continuation sheets become part of the license and shall be returned with the license to the Office of Export Control.

(3) *Periodic Requirements (PRL) License.* Shipments under a periodic requirements license shall be recorded in accordance with the terms of the license. For example; if the license breaks down the quantity and/or value by Export Control Commodity Number, records shall be kept according to Export Control Commodity Number. If the consignee list shows quantities or values for individual consignees, shipments shall be recorded accordingly. In the absence of any of these breakdowns, shipment data shall be recorded as provided in subparagraph (1) of this paragraph.

[1] Shipper's Export Declaration. Form 7525-V, may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, local customs offices, and U.S. Department of Commerce Field Offices (see list on page 1 under Field Office Addresses). Price of the form is $1 for a pad of 100.

[2] Provisions relating to the export clearance of technical data under a validated license are set forth in § 379.6 of this chapter.

(4) *Return of licenses.* When the full quantity authorized for export under a validated license has been exported, or when it is otherwise determined that the license will not be further used, the license shall be forwarded promptly to the Office of Export Control (Attention: 854) U.S. Department of Commerce, Washington, D.C. 20230. Until forwarded, these licenses as well as all other export records shall be made available for inspection by the U.S. Government promptly upon demand.

§ 386.3 Shipper's export declarationn.

(a) *Presentation requirement.* All copies of Shipper's Export Declarations that are required to be presented to a customs office shall be presented at the port of export.

(b) *Declaration as export control document.* Under the Export Control Regulations a Shipper's Export Declaration is a statement declaring the existence of a validated export license or permission for an export under an applicable general license. Such document may be used only by the exporter or his duly authorized forwarding agent for the purpose of exporting, facilitating, or effecting the export of a commodity(ies) requiring a validated or general license under the Export Control Regulations issued pursuant to the Export Administration Act.

(c) *Limitation of effective period of declaration.* No declaration shall be used to export, or facilitate or effect an export, after the expiration of the applicable validated license or after the termination of the applicable general license, except as provided in §§ 372.9(d) of this chapter and 386.2(b). The validity period of an export license includes any extension provided by any saving clause or regulation.

(d) *Who may submit declaration.* A declaration may be submitted to the customs office only by the exporter or his carrier or the duly authorized forwarding agent of the exporter. A carrier, not otherwise acting as a forwarding agent, may deliver an executed declaration to the customs office without specific authorization from the exporter.

(e) *Forwarding agent*—(1) *Definition of "forwarding agent."* For the purpose of this part, a "forwarding agent" means a person authorized by an exporter to perform for the exporter actual services which facilitate the export of the commodities or technical data described in the declaration. These services include, but are not limited to, preparing the declaration and clearing the shipment by submission of documents to the customs officers or export control officers. A "forwarding agent" need not be a person regularly engaged in the freight forwarding business. A "forwarding agent" shall be designated by the exporter in writing in the power of attorney set forth on the declaration or in a general power of attorney, or other written form, subscribed and sworn to by a duly authorized officer or employee of the exporter.

(2) *Forwarding agent as true agent.* Unless the exporter states otherwise in the power of attorney or other written form, the forwarding agent named by the exported shall be deemed the true agent of the exporter for export control and customs purposes. However, the power of attorney or other authorization designating a forwarding agent does not make such agent the sole and exclusive forwarding agent of the exporter for all exports. Where a forwarding agent is suggested by the foreign buyer in a transaction (rather than by the seller in the United States) a form of designation on the declaration which limits the authority granted to the particular transaction involved would be appropriate. The seller may, however, insist that the agent for the foreign buyer apply for the license. (See § 372.3(b)(1) of this chapter.)

(3) *Form of powers of attorney.* The sample form("Power-of-Attorney—Designation of Forwarding Agent" (see Supplement S–17 for facsimile) fixes responsibility of the exporter for exports made through a forwarding agent. This suggested form conforms to usual business practice in establishing agency relationship, but its use is not mandatory. The exporter may use any written form of designation, provided it is subscribed and sworn to by a duly authorized officer or employee of the exporter, before a notary public, or other person authorized to administer oaths. Such authorization shall clearly indicate that the party named is authorized to represent the exporter for export control and customs purposes. The extent of the authority, as in the power of attorney, may be restricted with respect to time, country, commodity, specific license, or other matter. Such documents may also be used to designate one or more employees, or other persons, such as an export manager or agent, to in turn appoint as many forwarding agents as may be required.

(4) *Redelegation of agent's authority.* If a forwarding agent signs and swears to a declaration for clearance of an export through a port where he has no office, he shall furnish an authorization in writing to the person who will actually present the declaration to the customs office. He may also redelegate to another forwarding agent his authority to sign, swear to, and present declarations at such port: *Provided,* That the authorization from the exporter permits such redelegation or he obtains other written evidence of consent from the exporter. Proof of the authority of any person signing a power of attorney, or other authorization may be required. In general, however, such proof will be required only when there is some reason to doubt the authority of the person involved.

(5) *Record and proof of agent's authority.* The power of attorney or other authorization from the exporter shall be retained on file in the forwarding agent's office while the authorization is in force and for a period of 2 years after the last action taken by the forwarding agent under the authority. During this retention period, the forwarding agent shall make his delegation of authority from the exporter available for inspection on demand, in accordance with the provisions of § 387.11(f) of this chapter. This recordkeeping and inspection requirement also applies to any redelegation of the forwarding agent's authority and to any person to whom the forwarding agent redelegates his authority. (For further recordkeeping requirements see § 387.11 of this chapter.)

(f) *Number of copies required.* When a declaration is required, it shall be presented to the customs office at the port of export, or to the postmaster at the post office from which the shipment is mailed, in the number of copies specified below.

(1) *Exports by means other than mail.* Two copies of the declaration are required by the customs office at the port of export, except (i) only one copy is required for shipments to Canada and shipments between the United States and its territories and possessions, or (ii) an additional copy may be required by subparagraph (3) of this paragraph.

(2) *Mail shipments*—(i) *General.* For a mail shipment, one copy of the declaration shall be presented to the postmaster at the place of mailing when the shipment: (*a*) Is under a validated license, or (*b*) is of a commercial nature and its value is more than $250. Two copies shall be presented when an additional copy is required by subparagraph (3) of this paragraph.

(ii) *Partial shipment against a validated license.* In addition, when making a partial shipment by mail against a license, the sender (exporter) shall present to the postmaster a declaration.

(3) *Additional copies of declaration.* For export control purposes, the Office of Export Control, the customs office, or the postmaster may require additional copies of the declaration for exports under a validated license that contain special requirements for additional documents or information. (See paragraph (o) of this section.)

(g) *Statements on declaration.* Where a declaration is presented to a customs office or postmaster, the exporter represents that:

(1) All statements and information in the declaration have been furnished by him or on his behalf for the purpose of effecting an export under the Export Control Regulations;

(2) Export of the commodity(ies) described in the declaration is authorized under the general or validated export license therein identified;

(3) Statements contained in the declaration are identical in all respects with the contents of the validated license or the terms, provisions, and conditions of the applicable general license; and

(4) All other terms, provisions, and conditions of the Export Control Regulations applicable to the export have been met.

(h) *Separate declarations required for general license and validated license commodities in same shipment* (1)—*General.* Separate declarations are required for general license commodities and validated license commodities in the same shipment. They may not be combined on one declaration. However,

a shipment made under two or more general licenses or two or more validated licenses may be combined on the same declaration.

(2) *Exception.* For a shipment consisting of commodities and the containers therefor, where either the commodities only, or the containers only, require a validated license, both the commodities and the containers shall be entered on the same declaration.

(i) *Schedule B number and commodity description*—(1) *Schedule B number.* The seven-digit Schedule B number, as shown in Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States, shall be entered in the designated column of the declaration regardless of whether the shipment is moving under a validated or general license.

(2) *Commodity description for validated license shipment*—(i) *General.* The commodity description on the declaration for a shipment under a validated license shall be that shown on the related validated license. However, where part of the description on the license is underlined, only the underlined portions need be included on the declaration. The commodity description on the license will be stated in Commodity Control List terms, which may be inadequate to meet Census Bureau requirements. In this event, the commodity description on the declaration shall give enough additional detail to permit verification of the Schedule B number (e.g., size, material, or degree of fabrication).

(ii) *Distinguishing characteristics or specifications.* If a commodity classification in Schedule B has instructions such as "specify by name," "state species," etc., that information shall be furnished in the column of the declaration provided for the commodity description. When a single Shipper's Export Declaration covers more than one item classifiable under a single classification carrying the "specify by name" or similar requirement, each item shall be entered separately in this column. However, if more than five items are involved, all classifiable under one Schedule B number, only the five items of greatest value in the classification need be shown separately. Separate quantities, values, and shipping weights for individual items are not required in either case.

(3) *Commodity description for general license shipments.* The commodity description on the declaration for a shipment under a general license shall be in sufficient detail to permit verification of the seven-digit Schedule B number entered on the declaration.

(j) *Validated license number or general license designation*—(1) *Exports under a validated license.* The license number, as well as the commodity description, shall be shown in the commodity description column of a declaration covering an export under a validated license. In addition, the italicized digit(s) in parentheses at the end of the Export Control Commodity Number shall be added directly below the Schedule B Number.

(2) *Exports under a general license.* In addition to the commodity description, the general license designation shall be shown in the commodity description column of each declaration covering a shipment under a general license. If the commodity is to be exported under the provisions of General License GLV, the parenthetical digit shall also be shown immediately below the Schedule B Number.

(k) *Optional ports of unlading*—(1) *Applicability.* If, prior to the departure of the exporting carrier, the exporter does not know at what port the shipment will be unloaded, he may designate optional ports of unlading on the declaration and bill of lading or air waybill in accordance with this paragraph. In no case does this procedure apply to any shipment destined directly or indirectly to Country Group S, X, Y, or Z. (For shipments to other destinations via Hong Kong, see § 370.8 of this chapter.)

(2) *General license shipments.* (i) For exports under General License G-DEST, if the exporter does not know which of several countries in Country Groups T, V, and W is the country of ultimate destination, he may name optional ports of unlading in one or more of these countries.

(ii) When an export under any general license is shipped in transit through a country other than the country of ultimate destination, the exporter may designate optional ports of unlading in one or more countries, together with the name and address of the intermediate consignee in each country designated.

(iii) Optional ports of unlading, in all cases, shall be in a country to which the commodity or technical data may be shipped directly from the United States under the same or another applicable general license.

(3) *Validated license shipments.* For exports under a validated license, optional ports of unlading are restricted to the country of ultimate destination, unless the export license or amendment designates intermediate consignees in one or more other countries. In the latter case, the optional ports of unlading must be designated as optional intransit points on the declaration and bill of lading or air waybill.

(4) *Correcting the declaration.* As soon as the exporter learns at which port the commodities are to be unloaded—whether in the country of ultimate destination or in a country of transit—an Export Declaration Correction Form, Form FT-7403, should be filed with the customs office at the port of export where the original declaration was filed. The correction form shall specify the actual port of unlading and the name and address of the intermediate consignee, if any, to whom delivery is made. An intermediate consignee must be specified if the port of unlading is located in a country other than the country of ultimate destination. If the export is unloaded at more than one port, the quantity and value unloaded at each port and the name and address of each intermediate consignee should be given. (See paragraph (q) of this section for procedure to file a Form FT-7403.)

(l) *Foreign excess property disposed of by the U.S. Government.* Where a shipment consists of commodities disposed of by U.S. Government agencies under foreign excess property disposal programs, the declaration shall show the following certification in the commodity description space:

These commodities are foreign excess property disposed of by the U.S. Government.

(m) *Signature on declaration.* The signature on the declaration of the person making the declaration shall be that of the exporter or the forwarding agent named in the declaration, or a duly authorized officer or employee of either. In general, it will be deemed that the requisite authority rests with employees who, by their official titles, are apparently vested with power to deal with exports; such as export managers or such corporate officers as the president, vice president, treasurer, and secretary of a corporation, any partner of a partnership, and any responsible head of any other form of private or quasi-governmental organization, and assistance officers. The signature of such person, whether or not that of the exporter or employee, constitutes a representation by the exporter that all statements and information in the declaration are true and correct. In addition, if the signature is that of the forwarding agent, or his duly authorized officer or employee, such signature constitutes a like representation by the forwarding agent.

(n) *Attachment to declaration.* Additional copies of the declaration or copies of the continuation sheet form may be used where more space is required. In such cases, only one declaration form need be signed. The additional sheets shall be numbered in sequence and securely attached to the executed declaration form; and the following statement shall be inserted between the column provided for marks and numbers of the shipment and the column provided for its value:

This declaration consists of this sheet and ---------- continuation sheets.

No portion of any form attached as a continuation sheet shall be torn off or removed.

(o) *Special requirements for additional information and documents.* (1) A validated license may bear on its face a requirement for specified documents (or information) in addition to that furnished when the application was filed. The licensee shall furnish these to the Office of Export Control (Attention: 848), U.S. Department of Commerce, Washington, D.C. 20230, as follows:

(i) Prepare one copy of the declaration in addition to the number of copies otherwise required.

(ii) Enter the required additional information in the space between the column provided for marks and numbers of the shipment and the column provided for its value on all copies of the declaration.

(iii) Unless otherwise specified on the license, attach the required documents (either original or certified copy) to the extra copy of the declaration.

(2) All such statements and documents will be deemed to constitute representations of material facts within the purview of the regulations prohibiting the making of false representations to the Office of Export Control in any export control matter (see § 387.5(b) of this chapter).

(p) *Declaration for shipments moving in transit*—(1) *Applicability.* The Shipper's Export Declaration for In-transit Goods, Commerce Form 7513,[3] should be used for the following types of transactions:

(i) Commodities shipped by vessel in transit through the United States from one foreign country or area to another, including merchandise destined from one foreign country to another and transshipped in U.S. ports; or

(ii) Foreign merchandise exported from a General Order Warehouse or a Foreign Trade Zone (unless, in the case of a Foreign Trade Zone, the customs office specifically permits the use of the Shipper's Export Declaration, Commerce Form 7525–V [3]).

Shipments in bond transiting the United States by means of any carrier other than a vessel may be cleared for export without presenting a Form 7513, unless a validated license is required for the export.

(2) *Additional information.* The following additional information shall be entered on a Shipper's Export Declaration for In-transit Goods:

(i) The name and address of the intermediate consignee in a foreign destination, if any, shall be shown below the description of the commodities;

(ii) Underneath the name and address of the intermediate consignee, one of the following statements shall be made, whichever is appropriate:

(*a*) For intransit shipments of foreign-origin merchandise) for definition of "foreign origin," see § 371.4(a) of this chapter):

The merchandise described herein is of foreign origin.

(*b*) For intransit shipments of domestic (U.S.) merchandise:

The merchandise described herein is of the growth, production, or manufacture of the United States.

(*c*) For intransit shipments of commodities of U.S. origin excepted under § 371.4(a)(2) of this chapter:

The merchandise described herein is of the growth production, or manufacture of the United States, but comes within the exception granted by § 371.4(a)(2) of this chapter of the Export Control Regulations.

[3] Forms 7525–V and 7513 may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, and from local customs offices. Form 7525–V may also be obtained from U.S. Department Commerce Field Offices (see list on page i under Field Office Addresses).

(iii) The commodities shall be described in terms of Schedule B, including the appropriate Schedule B number.

(q) *Change, alteration and amendment of declaration.* The declaration should not show evidence of change, alteration, or amendment, but shall be a clean copy. However, the exporter's duly authorized forwarding agent or the carrier shall insert or correct on declarations, required items of information peculiarly within his knowledge: U.S. port of export, method of transportation, exporting carrier, foreign port of unloading, pier or airport, and bill of lading or air waybill number. The forwarding agent or carrier making the insertion or correction must specifically identify the same in writing on the face of the declaration. Nothing herein shall relieve such forwarding agent or carrier from liability for any misrepresentation of facts inserted or corrected.

(r) *Summary monthly reports in lieu of individual shipper's Export Declarations*—(1) *Scope.* An alternate procedure for reporting exports to Canada and to Country Groups Q, T, V, W, X, and Y is established under which qualified exporters may be authorized to file at the end of each month typewritten or handwritten Shipper's Summary Export Declarations (Form 7525–M), or computer tapes compatible with equipment of the Bureau of the Census, punched cards, etc., in lieu of individual Shipper's Export Declarations. Detail of the procedure are set forth in § 30.39 of the Foreign Trade Statistics Regulations of the Bureau of the Census of this title. Exporters interested in the procedure should consult § 30.39 of this title ascertain qualifications, how to apply for the privilege of participating, how to file a monthly report after approval is given, and other pertinent facts. This paragraph contains only basic information about the procedure and specific requirements relating exclusively to export controls.

(2) *Certification required in application.* A request for the privilege of participating should be forwarded to the Foreign Trade Division, Bureau of the Census, Washington, D.C. 20230, with a copy to the Office of Export Control (Attention: 852), Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C. 20230. It shall include a certification by the exporter as follows:

I (We) certify that I (We) have established adequate internal procedures and safeguards to assure compliance with the requirements set forth in the U.S. Department of Commerce Export Control Regulation and Foreign Trade Statistics Regulations. Among other things, these procedures and safeguards assure:

(i) A proper determination as to whether a validated license is required for a particular export;

(ii) Actual receipt of the validated license, if required, before the shipment is exported;

(iii) Compliance with all the terms of the validated license or general license, as applicable;

(iv) Return of validated licenses to the Office of Export Control, as provided in subparagraph (7) of this paragraph;

(v) Compliance with the destination control statement provisions of §§ 386.5 and 386.6;

(vi) Compliance with the prohibition against export transactions that involve parties who have been denied U.S. export privileges; and

(vii) Compliance with the recordkeeping requirements of § 387.11 of this chapter; and, in addition, I (we) agree that my (our) office records will be made available for inspection by the Bureau of the Census, the Office of Export Control, or the Bureau of Customs, upon request, to verify that a given shipment was properly included in a particular monthly report.

(3) *Exporter's agent.* Where the exporter intends to authorize a forwarding agent to file monthly reports on his behalf, the exporter's request shall include the name and address of each such forwarding agent.

(4) *Authorization by Census to use monthly reporting procedure.* Authorization to file monthly reports in lieu of individual declarations under this procedure will be granted by the Bureau of the Census with the concurrence of the Office of Export Control.

(5) *Validated license.* Persons or firms authorized to file monthly reports in lieu of individual declarations shall sign the license on the reverse side, as provided in §386.2(d), fill in the information required by subparagraph (6) of this paragraph, and hold it until time to return it to the Office of Export Control as required by subparagraph (7) of this paragraph.

(6) *Recording shipment on the reverse side of Export License (Form FC–628).* The licensee or his forwarding agent shall record each shipment on the reversed side of the Export License (see Supplement S–3, page 2, for facsimile), as explained in § 386.2(d), and include a statement that shipments were made under the "Monthly Shipper's Export Declaration procedure."

(7) *Return of licenses.* Validated export licenses shall be returned to the Office of Export Control promptly after shipment is completed, when no further shipments are to be made, or when the license has been revoked or canceled, or has expired.

(8) *Export clearance*—(i) *Destination control statement.* In addition to his responsibility for assuring that the proper destination control statement is placed on the commercial invoice as required by § 386.6, the exporter or his forwarding agent is responsible for assuring that the carrier places the proper destination control statement on the related bill of lading or air waybill.

(ii) *Detention and examination.* Shipments being reported under this procedure are subject to detention and examination, as provided in § 386.8, whenever the customs office or postmaster deems such action necessary to assure compliance with the Export Control Regulations.

(9) *Revocation of authorization.* An authorization to file monthly reports in

lieu of individual declarations, granted under § 30.39 of the Foreign Trade Statistics Regulations of this title and this paragraph, may be revoked, suspended, or revised at any time.

(10) *Effect of other provisions.* Insofar as consistent with the provisions of this paragraph that relate specifically to filing monthly reports in lieu of individual declarations, the other provisions of this part shall apply to exports reported under this procedure.

§ 386.4 Conformity of documents for validated license shipments.

(a) *Applicability.* The following rules of conformity apply to any shipment under a validated export license, except those under a consolidated "master" air waybill (other than airmail or air parcel post). However, these rules do apply to any individual air waybill issued by a consolidator (indirect carrier) for an export included in a consolidated shipment and to any air waybill issued by a carrier or other person covering an export not included in a consolidated shipment.

(b) *Rules of conformity*—(1) *General.* The validated export license, the declaration, and the outbound bill of lading (including a railroad through bill of lading) covering the same export shipment must be consistent with one another. The bill of lading, whether in negotiable or nonnegotiable form, is not consistent if:

(i) It does not provide for delivery of the shipment (cargo) at a port located in the country of either the ultimate or intermediate consignee named in the declaration.

(ii) It contains any indication that the shipment is in transit to a country of ultimate destination different from that named in the declaration, if there is reason to believe that the shipment is not for consumption in the country of ultimate destination. For example, it would be inconsistent to consign such a shipment to the ultimate destination with a qualifying phrase indicating the shipment is "in transit" at that destination, or to consign the shipment to a free zone or free port.

(iii) It names as shipper any person other than the licensee or his duly authorized forwarding agent. Where shipments from more than one licensee are consolidated on a single bill of lading, the shipper named on the bill of lading must also appear as the authorized forwarding agent for each exporter on each declaration.

(iv) The name and address of the ultimate consignee are not shown either in the space provided for "consignee" or in the body of the bill of lading under the caption "ultimate consignee and notify party" or, in the case of the air waybill, under the caption "also notify." However, where shipments to more than one ultimate consignee are consolidated on one bill of lading and not all are shown in the body of the bill of lading, the name of the intermediate consignee (customs broker or consolidator's agent in the foreign country) who will receive and distribute the commodities to the ultimate consignees must appear on the bill of lading, the validated license(s), and the declaration(s). Where the name of the intermediate consignee in such a consolidated shipment differs from that shown on each validated license or does not appear on each license, an amendment of the license(s) is necessary even though the intermediate consignee is in the same country as the ultimate consignees.

(2) *Negotiable bill of lading.* For a negotiable bill of lading ("order" bill of lading), the bill of lading is deemed consistent only if the consignee or order party named therein is also named in the declaration. An "order" bill of lading may consign the commodities or technical data covered thereby to the order of the shipper, to the order of an intermediate consignee (whether bank, foreign freight forwarder, or other intermediary), or to the order of the purchaser (if not the same as the ultimate consignee). An "order" bill of lading issued in any of these forms constitutes a representation by the shipper that (i) the commodities or technical data covered by the validated license, declaration, and bill of lading are ultimately destined to such ultimate consignee; (ii) the document has not been used for the purpose of evading the terms and conditions of the validated license; and (iii) pursuant to the contract of carriage, the commodities or technical data will be delivered at a port located in the country of the ultimate consignee or of the intermediate consignee named in the declaration.

(3) *Commodity description.* On a bill of lading the commodities or technical data may be described in terms of the freight tariff classification or other type of classification, but may not be inconsistent with the description shown in the declaration and validated export license. On the declaration the commodity description shall include the same commodity description as shown on the related validated license, and, in addition, it shall include more detailed information where required by the Census Bureau.

(4) *Commodity numbers.* The one-to-five digit Export Control Commodity Number shown on the export license shall be the same as the initial digits of the seven-digit Schedule B number entered on the declaration.

(5) *Carrier's manifest.* If the carrier's outward foreign manifest filed with the U.S. customs office contains the names of shippers or consignees, these names must not be inconsistent with the names shown on the bill of lading or the declaration.

(c) *Compliance.* No carrier shall issue, and no licensee, shipper, consignor, exporter, or consignee, or their agents, or any other person, shall prepare or procure a bill of lading that is contrary to the provisions of this section. Customs offices are authorized to require any document or to use any other appropriate methods to insure compliance with these provisions.

§ 386.5 General destination control requirements.

(a) *Applicability to validated license shipments.* The following provisions apply to all shipments under a validated license:

(1) *Destination on bill of lading or air waybill.* No carrier (nor any other person on behalf of any carrier) shall issue a bill of lading or air waybill providing for delivery of cargo at any foreign port not in the country of (i) the ultimate consignee, or (ii) the intermediate consignee, named in the Shipper's Export Declaration.

(2) *Delivery of cargo.* No carrier shall deliver cargo to any other country at the request or option of the shipper, consignor, exporter, purchaser, or ultimate consignee, or their agents, or any other person having custody or control of the shipment, without prior written authorization from the Office of Export Control to the carrier or its agent.

(3) *Diversion.* No shipper, consignor, exporter, purchaser, or ultimate consignee, or their agents, or any other person, shall, without prior written authorization from the Office of Export Control to the carrier or its agent:

(i) Divert any cargo to any country of ultimate destination other than that named in the declaration or in the bill of lading or air waybill as described in § 386.6; or

(ii) Request or demand that any carrier or its agent divert cargo from the country of ultimate destination named in any such document. In addition, no agent of any carrier shall instruct or authorize the master of the vessel to divert any cargo to any other country of ultimate destination without prior written authorization from the Office of Export Control.

(4) *Optional ports on bill of lading or air waybill.* No carrier shall issue a bill of lading or air waybill providing for delivery of cargo to the ultimate consignee named in the declaration at optional ports, where one of such optional ports is not in the country of ultimate destination named on the license or declaration, without prior written authorization from the Office of Export Control.

However, where the declaration provides for delivery of cargo to optional intermediate consignees located in ports in different countries, the carrier may issue a bill of lading or air waybill providing for delivery at such optional ports.

(b) *Unloading of cargo at a Port in other than intermediate or ultimate country of destination*—(1) *Reasons beyond carrier's control.* Nothing contained in the Export Control Regulations shall be deemed to prohibit a carrier from unloading cargo at a port outside the intermediate or ultimate country of destination shown on the declaration where, for reasons beyond the control of the carrier (as set forth in the standard provisions of the carrier's bill of lading or air waybill, such as act of God, perils of the sea, damage to the carrier, strikes, war, political disturbances, or

insurrections), it is not feasible to deliver the cargo at the licensed port of destination.

(2) *Required actions for unscheduled loading.* Whenever cargo is unloaded at a port in any country other than the intermediate or ultimate destination shown on the declaration, except where the cargo may be exported under a general license directly from the United States to such country:

(i) The carrier shall, within 10 days after date of unloading, report the facts to the nearest American Consul and to the agent of the carrier located in the United States. Within 10 days after receipt of such report, the agent shall send a copy of the report to the Office of Export Control. This report shall consist of (*a*) a copy of the manifest of such diverted cargo, (*b*) a statement of the place of unloading, and (*c*) the name and address of the person in whose custody the commodities or technical data were delivered.

(ii) The exporter of such cargo shall, within 10 days of receiving notice of such diversion from the Office of Export Control, notify the Office of Export Control of the proposed disposition of the commodities or technical data.

(iii) No person, including the exporter, license, consignee, carrier, or any person acting on the carrier's behalf, shall take any steps to effect delivery or entry of the commodities or technical data into the commerce of the country where unloaded without prior approval of the Office of Export Control. The carrier shall take steps to assure that such commodities or technical data are placed in custody under bond or other guaranty not to enter the commerce of such country or any country other than the countries of the ultimate and intermediate consignees shown on the declaration without such prior approval.

§ 386.6 Destination control statements.

(a) *Requirement for destination control statement.* An appropriate destination control statement shall be entered on the bill of lading, the air waybill, and the commercial invoice, for any export under:

(1) A validated license;

(2) General License GLV, GMS, GTF–US, GTE, or GLR; or

(3) General License G–DEST if:

(i) The value of the shipment exceeds $250; and

(ii) The commodity exported is identified by the symbol "Y" in the "Validated License Required" column of the Commodity Control List.

A destination control statement is mandatory for the exports described above. The same statement shall appear on all copies of all such shipping documents that apply to the same shipment. At the discretion of the exporter or his agent, a destination control statement may also be entered on the shipping documents covering any other exports.

(b) [Reserved]

(c) Statement to be used. There are three destination control statements (see paragraph (d) of this section), any one of which may be used, as follows:

(1) *Shipments under General License GMS.* For a shipment under General License GMS, Statement 1 only shall be used.

(2) *Shipments under a general license other than GMS.* For a shipment under any general license other than General License GMS, any of the three statements may be used.

(3) *Validated license shipments.* For a shipment under a validated license, either Statement 1 or Statement 2 shall be used. Statement 1 should be used where the license shows that the commodities or technical data are licensed for export to the country of ultimate destination only. Statement 2 should be used where the license specifically shows that the commodities or technical data may be distributed or resold to other specified countries.

(d) *Statements*—(1) *Statement 1.*

These (commodities) (technical data) licensed by the United States for ultimate destination (name of country). Diversion contrary to U.S. law prohibited.

The country of ultimate destination[4][5] named on the declaration, and if applicable on the validated license, shall be entered in the blank country space.

(2) *Statement 2.*

These (commodities) (technical data) licensed by the United States for ultimate destination (name of country) and for distribution or resale in (name of country(ies)). Diversion contrary to U.S. law prohibited.

The country spaces shall be completed as follows:

(i) *General license shipments.* For a shipment under a general license other than General License GMS:

(*a*) The country of ultimate destination[4] named on the declaration shall be entered in the first space; and

(*b*) The following shall be entered in the last space:

Any destination except Soviet Bloc,[6] the People's Republic of China, North Korea, Macao, Hong Kong, Communist controlled areas of Vietnam, Cuba, or Southern Rhodesia, unless otherwise authorized by the United States.

If the export requires a validated license for Poland or Romania, these countries shall be included in the last space. If the export does not require a validated license for a country in the prohibited list, that country may be deleted.

(ii) *Validated license shipments.* For a validated license shipment:

(*a*) The country of ultimate destination named on the license shall be entered in the first space; and

(*b*) The country(ies) shown on the license as approved for distribution or resale shall be entered in the last space. If no such country is shown on the license, the word "none" shall be entered in the last space.

(3) *Statement 3.*

U.S. law prohibits disposition of these commodities to the Soviet Bloc,[6] the People's Republic of China, North Korea, Macao, Hong Kong, Communist controlled areas of Vietnam, Cuba, or Southern Rhodesia, unless otherwise authorized by the United States.

Statement 3 permits distribution or resale to any country in the world other than those specifically excepted. If the export does not require a validated license for an excepted country, that country may be deleted. If the export requires a validated license for Poland and Romania, add these countries to the prohibited destinations listed in this statement.

(e) *Preprinted statement.* A destination control statement may be preprinted on bills of lading, air waybills, or commercial invoices. But in this case, only one of the three destination control statements above may be shown on any one of these documents.

(f) *Permissive reexports.* If an exporter or his agent uses a more restrictive destination control statement than is necessary, the reexport provisions of § 374.2 of this chapter may nevertheless authorize reexport to certain destinations. Where reexport is authorized, the exporter may so advise his foreign importer without obtaining further authorization from the Office of Export Control. In all other instances, specific authorization shall be obtained from the Office of Export Control (see § 374.3 of this chapter).

(g) *Responsibility for use of statement*—(1) *Primary responsibility*—(i) *General.* The exporter has the primary responsibility for assuring entry of an appropriate destination control statement on the commercial invoice, regardless of whether he prepares this document. If a forwarder, a carrier acting as a forwarder, or any other party prepares, presents, and/or executes this document, the forwarder, carrier, or other party is also responsible for assuring that an appropriate statement is entered on the document. The carrier, as the party that issues the bill of lading or air waybill, has the primary responsibility for assuring that the same statement appearing on the corresponding invoice also appears on the bill of lading or air waybill. Any other party who prepares a bill of lading or air waybill is also responsible for assuring that an appropriate statement is placed on the document.

(ii) *Appropriate statement.* For a general license shipment, an understanding must be reached between the exporter

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[4] Where the country of ultimate destination is Vietnam, the destination control statement shall be completed as required by § 385.4(d) of this chapter, regardless of the country designation shown on the declaration and regardless of whether the shipment is under a validated or general license.

[5] On bills of lading, air waybills, and invoices, preprinted destination control statements may be used in which the country of ultimate destination is clearly and unambiguously indicated by reference to a designated entry elsewhere on the same document.

[6] As used in the destination control statement, the term "Soviet Bloc" means all countries in Country Group Y, except the People's Republic of China. Neither Poland, Romania, nor Yugoslavia are Y countries.

and forwarder, carrier, or other agent as to which statement shall be used. For a validated license shipment, if a forwarder, carrier, or other agent does not have a copy of the commercial invoice, he can determine the appropriate destination control statement from the export license.

(2) *Statement on bill of lading or air waybill*—(i) *General.* No carrier shall issue (and no exporter, licensee, shipper, consignor, consignee, agent, or any other person, shall prepare or procure) a bill of lading covering an export for which a destination control statement is required under the provisions of paragraph (a) of this section, unless all copies of such bill of lading (including all nonnegotiable and office copies) contain the same statement in clearly legible form.

(ii) *Air waybill.* In the case of shipments by air (other than airmail or air parcel post), this requirement applies to any air waybill, including one issued by a consolidator (direct carrier) for an export included in a consolidated shipment. However, these provisions do not apply to a "master" air waybill issued by a carrier to cover a consolidated shipment.

(iii) *More than one statement applicable to bill of lading.* If one bill of lading is issued for two or more individual shipments to which different destination control statements apply, the applicable statement shall be entered beneath each shipment or group of shipments. However, if the bill of lading shows a single freight tariff classification to describe several commodities which require the use of more than one statement, and it is impracticable to separate the commodities on the bill of lading, the most restrictive statement applicable to any of the groups shall be used. The commercial invoice should, nevertheless, segregate the commodity groups and show the proper statement for each group.

(3) *Statement on commercial invoice*—(i) *General.* No licensee, shipper, consignor, exporter, agent, or any other person shall prepare or issue a commercial invoice for a shipment for which a destination control statement is required under the provisions of paragraph (a) of this section, unless all copies of the invoice(s) contain the same destination control statement in clearly legible form. This statement shall be an applicable statement as set forth in paragraph (d) of this section.

(ii) *Distribution of copies of statement.* Whenever a commercial invoice is issued containing the prescribed destination control statement, the shipper or other person issuing such invoice shall promptly send copies to:

(*a*) The ultimate consignee and the purchaser named in the declaration;

(*b*) The intermediate consignee; and

(*c*) Any other persons named in the invoice who are located in a foreign country. Nothing contained herein shall be construed to limit the persons or classes of persons to whom such invoices, bills of lading or air waybills are usually and customarily sent in the course of export trade. The shipper or other person issuing the commercial invoice may omit all reference to price or sales commission from the copy of the invoice sent to any of the above-named persons: *Provided*, Such invoice otherwise adequately identifies the shipment. As an alternative, in lieu of a copy of the commercial invoice, such person may send a copy of the bill of lading or air waybill containing the destination control statement.

(iii) *Commercial invoices not containing a statement.* If the forwarding agent receives from the exporter a copy of a commercial invoice without the correct destination control statement, he shall:

(*a*) Notify the exporter in writing;

(*b*) Request written assurance from the exporter that (*1*) the destination control statement has been properly entered on all other copies of the commercial invoice, and (*2*) any person who received an invoice without the statement has been informed in writing of the restrictions set forth in the statement;

(*c*) Either (*1*) enter the appropriate statement on his copy of the invoice, or (*2*) return it to the exporter for proper completion; and

(*d*) Keep and make available for inspection, in accordance with § 387.11 of this chapter, a copy of his notification to the exporter and the original of the exporter's assurance to him. (For further recordkeeping requirements, see § 387.11 of this chapter.)

(h) *Release of custody by carrier.* No carrier shall release custody of a shipment covered by the provisions of this section to any party without surrender by that party, to the carrier, of a copy of the bill of lading or air waybill bearing on its face the applicable destination control statement, unless either:

(1) Simultaneously with the release, the carrier delivers to such party a written copy of the destination control statement, contained in the carrier's copy of the bill of lading or air waybill for the shipment. The written copy shall identify the shipment by bill of lading or air waybill number, name of carrier, voyage or flight number, date, and port of arrival. The carrier shall also secure either a signed receipted copy of the written statement or other equivalent written evidence that the statement has been delivered by the carrier; or,

(2) The regulations of the importing country require the carrier to deliver the commodities directly into the physical possession and control of customs or other government agency for delivery to the consignee or his agent. In this case, the carrier need not give to, or receive from, the customs or other government agency, or the consignee or his agent, any document bearing the destination control statement.

(i) *Notice and prohibition against diversion*—(1) *Conduct after receiving notice.* After receiving an invoice, bill of lading, air waybill, or any other document containing notice of the prohibition against diversion set forth in a destination control statement, or after receiving oral notice of such prohibition, no person so notified including the ultimate consignee, intermediate consignee, or onforwarding carrier shall divert, transship, or reexport (or cause to be diverted, transshipped, or reexported) any shipment described in the written or oral notice to any country not authorized in such notice.

(2) *Proof of notice.* In any administrative compliance proceeding brought by the Office of Export Control, evidence of the sending of such invoice, bill of lading, air waybill, or other form of notice of the prohibtion against diversion to any person, shall constitute prima facie proof of that person's receipt thereof. This shall also constitute notice that the commodities have been licensed for a particular country of ultimate destination and may not be lawfully diverted to any other country. In addition, proof of the sending of such notice to the intermediate consignee shall be deemed notification of such prohibiton to the ultimate consignee and purchaser.

(j) *Effect of foreign laws.* Reexport authority contained in a destination control statement does not relieve any person from complying with foreign laws. (See § 374.9 of this chapter.)

§ 386.7 Shipping tolerance.[7]

(a) *When tolerance allowed.* A shipping tolerance is allowed over the quantity specified on a validated export license, unless such tolerance is limited or prohibited by the terms of the license or by the following provisions of this § 386.7.

(b) *Amount of tolerance allowed*—(1) *Ten percent tolerance.* A shipping tolerance of 10 percent is allowed when the quantity on the license is in the terms set forth below. If no quantity is specified on the license, the tolerance will be allowed on the total price shown for each entry on the license:

Avoirdupois ounce.	Long ton (2,240 pounds).
Bale.	M(1,000) board feet.
Barrel.	Milligram.
Bushel.	Oxford unit.
Content pound.	Pound.
Cubic foot.	Proof gallon.
Gallon.	Short ton (2,000 pounds).
Gram.	Square foot.
Hundredweight (100 pounds).	Square yard.
Linear foot.	Troy ounce.
Linear yard.	U.S.P. unit.

(2) *Tolerance inapplicable.* The tolerance provisions of this section shall not apply to the following units of quantity:

Carat.	Pencil gross.
Cell.	Piece.
Dozen.	Ream.
Gross.	Roll.
Number.	Round.
Pack.	Square.
Pair.	Set.

[7] Also see § 372.11 of this chapter for amendment procedure if the increase does not fall within allowable tolerances.

(c) *Partial shipments.* Whenever one or more partial shipments of the licensed commodity has been made, the tolerance applies only to the unshipped balance, except that for iron and steel products and tin plate, the tolerance is allowed on the basis of the actual quantity approved on the license.

(d) *Tolerance inapplicable after total shipped.* Where the quantity (or total price if applicable) stated on the license has been shipped, no further shipment may be made under the license.

§ 386.8 Authority of customs offices and postmasters in clearing shipments.

(a) *Delegation of authority to customs offices and postmasters.* Customs offices and postmasters, including all customs and post office officials, are authorized and directed to take appropriate action to assure observance of the provisions of the Export Control Regulations and of general and validated licenses issued thereunder. This includes, but is not limited to inspection of commodities and technical data being exported or about to be exported. The functions delegated to customs offices and postmasters by this § 386.8(a) may also be carried out by officials of the Office of Export Control.

(b) *Types of actions which may be taken by customs offices.* The following types of actions, among others, are authorized to be taken by customs offices:

(1) *Examination of commodities*—(i) *Purpose of examination.* All commodities and technical data declared for export are subject to examination by customs officials for the purpose of verifying the commodity or technical data specified in the Shipper's Export Declaration, and the value and quantity thereof, and to assure observance of the other provisions of the Export Control Regulations. This authority applies to exports under either a general or a validated export license and also to exports to Canada. This examination may include, but is not limited to, commodity identification, technical appraisal (analysis), or both.

(ii) *Place of examination.* Examination shall be made at the place of lading or where customs officials are stationed for that purpose.

(iii) *Technical identification.* Where, in the judgment of the customs office, the commodity or technical data cannot be properly identified, a sample may be taken for more detailed examination or for laboratory analysis. The shipment will not be delayed after sampling for completion of the analysis.

(*a*) *Obtaining samples.* The sample will be obtained by the customs official in accordance with the provisions for sampling imported merchandise. The size of the sample shall be the minimum representative amount necessary for identification or analysis. This will depend on such factors as the physical condition of the material (whether solid, liquid, or gas) and the size and shape of the container.

(*b*) *Notification to exporter and consignee.* When a sample is taken, the exporter (or his agent) and ultimate consignee shall be notified on Notice of Retained Samples, Form IT–915 (see Supplement S–16 for facsimile). The customs official shall prepare this form in triplicate, showing the name of the port of export, date of sampling, declaration number, license number (if any), mark and case numbers, amount of sample, manufacturer's number, and description of the commodity. The original Form IT–915 shall be placed in the opened container, the duplicate sent to the exporter or his agent, and the triplicate retained by the customs office.

(*c*) *Disposal of samples.* Samples will be disposed of in accordance with the customs office procedure for imported commodities.

(2) *Inspection of documents*—(i) *General.* The customs office is authorized to require exporters or their agents, and owners and operators of exporting carriers or their agents, to produce for inspection or copying: invoices, orders, letters of credit, inspection reports, packing lists, shipping documents and instructions, correspondence, and any other relevant documents; as well as furnish other information bearing upon a particular shipment intended for export or removal from the United States and the identity and relationships of all participants therein.

(ii) *Cartridge and shell case scrap.* When cartridge or shell cases are being exported as scrap (whether or not they have been heated, flame-treated, mangled, crushed, or cut) the customs office is authorized to require the exporter to produce a copy of the bid offer by the armed services in order to assure that the terms of the Export Control Regulations are being met and that the material being shipped is scrap.

(3) *Questioning of individuals.* The customs office is authorized to question the owner or operator of an exporting carrier and his agent(s), as well as the exporter and his agent(s), concerning a particular shipment exported or intended to be exported.

(4) *Prohibiting lading.* The customs office is authorized to prevent the lading of commodities or technical data on an exporting carrier whenever the customs office has reasonable cause to believe that the export or removal from the United States is contrary to the Export Control Regulations.

(5) *Inspection of exporting carrier.* The customs office is authorized to inspect and search any exporting carrier at any time to determine whether commodities or technical data are intended to be, or are being, exported or removed from the United States contrary to the Export Control Regulations.

(6) *Seizure.* The customs office is authorized, under title 22 of the United States Code, section 401, et seq., to seize and detain any commodities or technical data whenever an attempt is made to export them in violation of the Export Control Regulations, or whenever it knows or has probable cause to believe that commodities or technical data are intended to be, are being, or have been exported in violation of the Export Control Regulations. Seized commodities or technical data are subject to forfeiture.

(7) *Preventing departure of carrier.* The customs office is authorized under title 22 of the United States Code, section 401, et seq., to seize and detain, either before or after clearance, any vessel or vehicle or air carrier which has been or is being used in exporting or attempting to export any commodity or technical data intended to be, being, or having been exported in violation of the Export Control Regulations.

(8) *Ordering the unloading.* The customs office is authorized to unload, or to order the unloading of commodities or technical data from any exporting carrier, whenever the customs office has reasonable cause to believe such commodities or technical data are intended to be, or are being, exported or removed from the United States contrary to the Export Control Regulations.

(9) *Ordering the return of commodities.* If, after notice that an inspection of a shipment is to be made, a carrier departs without affording the customs office or Office of Export Control personnel an adequate opportunity to examine the shipment, the owner or operator of the exporting carrier and his agent(s) may be ordered to return commodities or technical data exported on such exporting carrier and make them available for inspection.

(10) *Designating time and place for clearance.* The U.S. Bureau of Customs is authorized to designate times and places at which U.S. exports may move by land transportation to countries contiguous to the United States.

§ 386.9 Return or unloading of cargo at direction of U.S. Department of Commerce.

(a) *Exporting carrier.* As used in this § 386.9, the term "exporting carrier" includes a connecting or on-forwarding carrier, as well as the owner, charterer, agent, master, or any other person in charge of the vessel, aircraft, or other kind of carrier, whether such person is located in the United States or in a foreign country.

(b) *Ordering return or unloading of shipment.* Where there are reasonable grounds to believe that a violation of the Export Control Regulations has occurred or will occur with respect to a particular export from the United States, the Office of Export Control or any U.S. customs officer may order any person in possession or control of such shipment, including the exporting carrier, to return or unload the shipment. Such person shall, as ordered, either (1) return the shipment to the United States or cause it to be returned, or (2) unload the shipment at a port of call and take steps to assure that it is placed in custody under bond or other guaranty not to enter the commerce of any foreign country without prior approval of the Office of Export Control. For the purpose of this section, the furnishing of a copy of the order to any person included within the definition of exporting carrier shall be

sufficient notice of the order to the exporting carrier.

(c) *Requirements regarding shipment to be unloaded.* The provisions of § 386.5 (b), relating to reporting, notification to the Office of Export Control, and the prohibition against unauthorized delivery or entry of the commodity or technical data into a foreign country, shall apply also to commodities or technical data directed to be unloaded at a port of call, as provided in this section.

(d) *Notification.* Upon discovery by any person included within the term "exporting carrier," as defined in this § 386.9, that a violation of the Export Control Regulations has occurred or will occur with respect to a shipment on board, or otherwise in the possession or control of the carrier, such person shall immediately notify both (1) the Director, Compliance Division, Office of Export Control (Attention: 848), U.S. Department of Commerce, Washington, D.C. 20230; and (2) the person in actual possession or control of the shipment.

§ 386.10 Other applicable laws and regulations.

The Export Control Regulations contained in this part apply only to exports regulated by the Office of Export Control, U.S. Department of Commerce. Nothing contained in this Part 386 shall relieve any person from complying with any other law of the United States or rules and regulations issued thereunder, including those governing declarations and manifests, or any applicable rules and regulations of the Bureau of Customs.

[FR Doc.72-9330 Filed 6-20-72;8:50 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter II—Office of Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner (Federal Housing Administration), Department of Housing and Urban Development

[Docket No. R-72-196]

PART 215—RENT SUPPLEMENT PAYMENTS

Additional Projects Eligible for Benefits

The Department is amending § 215.10 of Part 215 to permit rent supplement payments to be made with respect to existing projects which are: (1) Covered by a mortgage insured under section 236 of the National Housing Act, or (2) acquired and sold by the Secretary if the sale is financed by a mortgage insured under section 221(d)(3) or section 236 of the National Housing Act, and there is major rehabilitation or remodeling of the structure after acquisition by the Secretary. This expansion in eligibility standards will make additional housing available to low-income families.

Inasmuch as the amendment is a statement of policy of the Department, notice and public procedure and a deferred effective date are not required.

Accordingly, § 215.10(a) of Part 215 is amended by deleting "or" from subparagraph (5), by redesignating present subparagraph (6) as (8), and by adding new subparagraphs (6) and (7) as follows:

§ 215.10 Projects eligible for benefits.

(a) Rent supplement payments shall be made available in connection with multifamily projects which involve:

* * * * *

(6) Existing structures on which there is a mortgage insured under section 236 of the National Housing Act,

(7) Existing structures which are acquired and sold by the Secretary, if the sale is financed by a mortgage insured under section 221(d)(3) or section 236 of the National Housing Act, and, after acquisition by the Secretary, there is major rehabilitation of the structure, or remodeling to create standard units where substandard units previously existed, or

* * * * *

(Sec. 101(g), 79 Stat. 453; 12 U.S.C. 1701s)

Effective date. This amendment is effective on publication in the FEDERAL REGISTER (6-21-72).

EUGENE A. GULLEDGE,
Assistant Secretary Commissioner.

[FR Doc.72-9363 Filed 6-20-72;8:51 am]

Title 29—LABOR

Chapter XVII—Occupational Safety and Health Administration, Department of Labor

PART 1911—RULES OF PROCEDURES FOR PROMULGATING, MODIFYING, OR REVOKING OCCUPATIONAL SAFETY OR HEALTH STANDARDS

Emergency Standards Informal Rule Making Procedures; Correction

Part 1911 of Title 29, Code of Federal Regulations is hereby amended in the manner indicated below in order to do the following:

(1) To correct a clerical error appearing at page 8664 of the FEDERAL REGISTER (April 29, 1972), which has mistakenly designated § 1911.15, entitled "Nature of hearing", as § 1911.5; and

(2) In order to amend § 1911.10 to indicate that either an informal hearing, or an opportunity for an informal hearing, shall be provided when construction standards are proposed thereunder. The reason for the latter change is to afford more flexibility in the conduct of rule making proceedings for the issuance of construction standards in a manner consistent with section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) and section 6(b) of the Williams-Steiger Occupational Safety and Health Act (29 U.S.C. 655). The amendments shall be effective upon publication in the FEDERAL REGISTER.

1. The reference to § 1911.5 in paragraph number 3 on page 8664 of the FEDERAL REGISTER (April 29, 1972) is corrected to § 1911.15. As corrected, the caption of the section reads as follows:

§ 1911.15 Notice of hearing.

2. Section 1911.10 is hereby amended by adding a new paragraph (d). As amended, § 1911.10 reads as follows:

§ 1911.10 Construction standards.

* * * * *

(d) In lieu of the procedure prescribed in paragraph (b) of this section, the Assistant Secretary may follow the procedure prescribed in paragraph (b) of § 1911.11 providing an opportunity for informal hearing.

(Sec. 1, 83 Stat. 96, 97, adding sec. 107 to Public Law 87-581, 76 Stat. 357; secs. 6(b), 8(g), 84 Stat. 1053, 1600, 29 U.S.C. 655, 657; 40 U.S.C. 333)

Signed at Washington, D.C., this 15th day of June 1972.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.72-9314 Filed 6-20-72;8:47 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER A—GENERAL

[CGD 72-44CR]

PART 25—CLAIMS

Claims in Favor of the United States

In the Friday, March 24, 1972, issue of the FEDERAL REGISTER (37 F.R. 6064), the Coast Guard published an amendment to revise Part 25, Title 33 of the Code of Federal Regulations. Inadvertently, the former § 25.319(b) of Title 33 was omitted in that revision. This document corrects that omission by adding the omitted paragraph as a new paragraph (b) to § 25.1207.

This supplemental amendment concerns regulations governing the suspension or termination of collection activities on claims in favor of the United States and makes these regulations consistent with the policy of the Justice Department on referrals of claims reflected in the regulations in Chapter II of Title 4, Code of Federal Regulations.

Since this amendment concerns agency policy, it is exempt from the notice and hearing requirements of 5 U.S.C. 553 and may be made effective upon publication in the FEDERAL REGISTER. Accordingly,

Part 25 of Title 33 of the Code of Federal Regulations is amended by revising § 25.1207 as follows:

§ 25.1207 Standards for exercise of delegated authority.

(a) Each officer to whom authority is delegated under this subpart shall exercise that authority in accordance with the standards for the collection and compromise of claims and for the suspension and termination of action to collect claims promulgated by the U.S. General Accounting Office and U.S. Department of Justice, and published in 4 CFR Chapter II.

(b) No collection action of $400 or more may be suspended or terminated by an officer to whom authority is delegated under this subpart on the ground that it is likely that the cost of further collection will exceed the amount recoverable thereby.

(14 U.S.C. 633, 647, 49 U.S.C. 1655(b)(1); 49 CFR 1.45(a) and (b), 1.46(b), 89.1(b)).

Effective date. This amendment shall become effective on June 23, 1972.

Dated: June 16, 1972.

C. R. BENDER,
Admiral, U.S. Coast Guard, Commandant.

[FR Doc.72-9315 Filed 6-20-72;8:47 am]

SUBCHAPTER D—NAVIGATION REQUIREMENTS FOR CERTAIN INLAND WATERS

[CGD 72-67R]

PART 82—BOUNDARY LINES OF INLAND WATERS

Calcasieu Channel, La., et al.

The purpose of these amendments to the regulations is to redefine the lines of demarcation for inland waters at Calcasieu Channel, La., Sabine Pass, Tex., and Ventura Marina, Calif. to bring them into conformance with recent changes to aids to navigation in the affected locations. The amendments are based on a notice of proposed rule making (CGD 72-67P) issued on April 6, 1972 (37 F.R. 6946) which described the changes and solicited comments from interested persons. No comments were received.

The amendments are adopted without change as set forth below.

In consideration of the foregoing, Part 82 of Title 33 of the Code of Federal Regulations is amended by revising §§ 82.103 and 82.106 and adding § 82.144 to read as follows:

§ 82.103 Mississippi Passes, La., to Sabine Pass, Tex.

A line drawn from a point 5.1 miles, 107° true, from Pass a Loutre Abandoned Lighthouse to South Pass Lighted Whistle Buoy 2; thence to southwest Pass Entrance Midchannel Lighted Whistle Buoy; thence to Ship Shoal Daybeacon; thence to Calcasieu Channel Lighted Whistle Buoy 20; thence to Sabine Bank Channel Lighted Bell Buoy 18.

§ 82.106 Sabine Pass, Tex., to Galveston, Tex.

A line drawn from Sabine Bank Channel Lighted Bell Buoy 18 to Galveston Bay Entrance Channel Lighted Whistle Buoy 1.

§ 82.144 Ventura Marina.

(a) A line drawn from the south end of the detached breakwater to Ventura Marina Light 4.

(b) A line drawn 080° true from the north end of the detached breakwater to shore.

(Sec. 2, 28 Stat. 572, as amended, sec. 6(b)(1), 80 Stat. 938; 33 U.S.C. 151, 49 U.S.C. 1655(b); 49 CFR 1.46(b))

Effective date. These amendments become effective on July 24, 1972.

Dated: June 15, 1972.

C. R. BENDER,
Admiral, U.S. Coast Guard, Commandant.

[FR Doc.72-9317 Filed 6-20-72;8:47 am]

SUBCHAPTER J—BRIDGES

[CGD 72-15a]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Beaufort River, AIWW, S.C.

This amendment changes the regulations for the Ladies Island drawbridge to permit closed periods during the morning and evening peak vehicular traffic periods. This amendment was circulated as a public notice dated February 8, 1972 by the Commander, Seventh Coast Guard District and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGFR 72-15) on February 2, 1972 (37 F.R. 2521). Five responses were received. Three endorsed the proposal. One recommended openings at 8 a.m. and 5 p.m., if any vessels are waiting to pass and this recommendation is incorporated in the regulation. One opposed the proposal for several reasons. First, the objector felt that a small amount of land and water traffic was invloved and therefore did not justify the proposed amended regulations. Data submitted however, did not support this contention. Secondly, the premise was offered that restricted maneuvering in concert with strong currents, blustery weather and no dolphins to tie to made for difficult and possibly dangerous conditions. An examination of the charts for this area shows that actually there is sufficient room for maneuvering by almost all types of vessels. While these objections were considered, they were not felt to have sufficient weight to deny the requested change. This regulation will more appropriately be located in a new section rather than § 117.245.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding a new § 117.380 immediately after § 117.370 to read as follows:

§ 117.380 Ladies Island drawbridge, Beaufort River, AIWW, S.C.

(a) The draw need not open from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m., Monday through Saturday, except legal holidays, except that the draw shall open at 8 a.m. and 5 p.m. if any vessels are waiting to pass the closed draw.

(b) The draw shall open at any time for the passage of public vessels of the United States, commercial tows, and vessels in distress. The opening signal from such vessels shall be four blasts of a whistle or horn or by shouting.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective on July 24, 1972.

Dated: June 15, 1972.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.72-9316 Filed 6-20-72;8:47 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER E—PESTICIDES PROGRAMS

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

Subpart D—Exemptions From Tolerances

DIMETHYL DIALKYLAMMONIUM CHLORIDE

Correction

In F.R. Doc. 72-7918, appearing at page 10566, in the issue of Thursday, May 25, 1972, the "Inert ingredients" in the table in § 180.1001(c), now reading "Dialkyl (C^8-C^{18}) dimenthylammonium chloride", should read "Dialkyl (C_8-C_{18}) dimethylammonium chloride".

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–3—PROCUREMENT BY NEGOTIATION

Subpart 5A–3.2—Circumstances Permitting Negotiation

Section 5A–3.202(a) is revised as follows:

§ 5A–3.202 Public exigency.

(a) Military purchase requests citing an issue priority designator 1 through 6, inclusive, assigned in accordance with the Uniform Materiel Issue Priority System prescribed by DOD Instruction No. 4410.6, dated February 18, 1971, and civilian agency purchase requests citing a priority designator Ø3 or Ø6, prescribed by FEDSTRIP Operating Guide, chapter 2, paragraph 15, shall be considered as identifying a circumstance within the purview of §§ 1–3.202 and 5–3.202(b), and as constituting the required statement of justification to support the findings and determination to be made by the contracting officer. Such issue priority designators are to be generated and provided only by the requisitioning activity and cannot be generated by anyone else for the purpose of conforming or upgrading the priority designator to a requested delivery date. (While circumstances may justify public exigency negotiation of requirements on a military purchase request citing an issue priority designator 7 through 15, or on a civilian agency purchase request citing an issue priority designator Ø8 or 15, the specific circumstances justifying use of this authority must be set forth in the required determination and findings.) This paragraph (a) applies only to requests for the purchase of nonstores items and of stock items for direct delivery.

* * * * *

PART 5A–60—CONTRACT APPEALS

The table of contents of Part 5A–60 is amended by the addition of the following new entry:

Sec.

5A–60.201 Notice of appeal.

Subpart 5A–60.2—Rules of the Federal Supply Service on Contract Appeals

1. Subpart 5A–60.2 is amended by the addition of the following new section:

§ 5A–60.201 Notice of appeal.

(a) Any dispute arising under a contract must be decided initially by the contracting officer (see § 5A–1.318). Under the "Disputes" clause, an aggrieved contractor may appeal any decision of the contracting officer.

(b) An appeal must be mailed or otherwise furnished by the contractor within 30 days from the date the decision of the contracting officer is received. Any request for an extension of the 30-day appeal period shall be denied.

2. Section 5A–60.203 is revised as follows:

§ 5A–60.203 Forwarding of appeals.

(a) A notice of appeal received by a contracting officer shall be transmitted promptly to the Chairman, GSA Board of Contract Appeals (GSBCA) by letter signed by the Chief of a regional Procurement Division or the Director of a Central Office Procurement Division, as applicable. If the notice of appeal is received by any official other than the contracting officer, it shall be stamped immediately with the date of receipt and, together with the envelope if received by mail, be promptly forwarded to the contracting officer who shall transmit it to the GSBCA as provided herein.

(b) When transmitting the notice of appeal, the contracting officer shall forward a copy of his final decision from which the appeal was taken and a copy of the certified mail receipt (front and back) indicating the date on which the final decision was received by the appellant, together with the notice of appeal and the envelope in which it was mailed.

(c) A copy of each notice of appeal and letter transmitting it to the GSA Board of Contract Appeals shall be sent to the Assistant Commissioner for Automated Data Management Services or Director, Special Programs Division, or Chief, Contract Terminations Staff (FPNC), as appropriate, and, in the case of a notice being transmitted by a regional procurement activity, a copy shall be sent to FPNC in the Central Office.

(d) An appropriate format for the letter to transmit a notice of appeal to the GSA Board of Contract Appeals is exhibited in § 5A–76.308.

3. Section 5A–60.205–1 is amended as follows:

§ 5A–60.205–1 Preparation and submission.

(a) Promptly upon receipt of the notice of appeal, the contracting officer shall prepare the appeal file in triplicate, unless otherwise directed or agreed to by the GSA Board of Contract Appeals. Each such file shall be identified by the name of the appellant, the contract number, and the docket number, if available.

(1) *Composition of appeal file.* (i) Each appeal file shall be assembled by using a two-piece red pressboard cloth binder 11 by 8½ inches punched with 3-inch capacity fastener (FSN 7510–582–4201). Use a gummed label (FSN 7510–264–5460) on top of file to identify the case and docket number.

(ii) Each appeal file shall contain buff sulfite division sheets (FSN 7530–286–6984) for separating the different documents which will appear and be listed in the "Index of Enclosures." Division sheets shall be tabbed utilizing ½-inch wide grey cloth gummed index tabs (FSN 7510–272–3142 or FSN 7510–171–1125). Index tabs shall be numbered consecutively, commencing with number one.

(iii) Individual appeal files shall not be more than 1-inch (approximately) in thickness. Where the number of items involved is more than 1-inch (approximately) in thickness, two or more file binders shall be used with enclosure numbers following in numerical sequence from the last item in the initial or preceding binder.

(2) *Preparation of appeal file.* (i) Appeal files shall contain no enclosure which is not fully legible. Where any document cannot be legibly reproduced, the illegible unaltered document shall be submitted with an attached accurate typewritten transcription thereof.

(ii) Each letter, telegram, memorandum, report, receipt, invoice, photograph, and other document referred to in any of the enclosures in the file must be included as a separate item in the file and listed in the "Index of Enclosures."

(iii) Each letter, telegram, memorandum, report, receipt, invoice, photograph, and other document pertinent to the appeal, must be legible and show the date, signature, and applicable contract number identification (if available), and be placed in chronological order commencing with Item No. 1, bearing the most recent date. "The Index of Enclosures" shall show for each item the number, date, and a brief description of the document. The description shall not include quoted material.

(3) *Contents of appeal file.* Each appeal file shall include the following documents and be submitted under a covering Memorandum of Transmittal.

(i) The first document in the appeal file shall be the "Index of Enclosures," listing all of the documents offered as evidence and be so identified. All documents offered as evidence shall be given an item number and placed under the "Index of Enclosures." These items shall consist of and be specifically identified as follows:

The first five items in each appeal file are mandatory and are required to appear in each file in the following sequence:

Item No. 1: Board of Contract Appeals acknowledgment of the contractor's notice of appeal.
Item No. 2: Notice of appeal (letter and/or GSA Form 2465, with attachments, if any).
Item No. 3: Facsimile of post office receipt of the final decision letter.
Item No. 4: Contracting officer's final decision letter.
Item No. 5: Contractor's request for a final decision or other documents of claim in response to which the decision was issued.

Additional items: Documents pertinent to the appeal that are not privileged. Each item shall be consecutively numbered, commencing with item 6.

Item No. ____ The basic contract, including referenced terms and contracts.
Item No. ____ Any specifications applicable to the dispute.
Item No. ____ Any drawings applicable to the dispute.
Item No. ____ Any other pertinent documents.

(ii) Where any item is composed of more than one document, each document shall be separately numbered and subindexed. The index number shall appear on the division sheet (e.g., 1.1 5.1, 2.2.1, etc.) with a brief identifying description,

but shall not appear on the general "Index of Enclosures."

(iii) Assigned counsel will assist the contracting officer in determining which documents are relevant to the issue in the appeal and not privileged, for inclusion in the appeal file. Documents that are privileged, as well as documents that are not directly relevant but are useful as general background information, will be forwarded separately to the trial attorney.

(iv) All copies of the appeal file must be identical both as to content and position of items.

(v) In the event more than one appeal is filed under the same contract, the appeal file for the second and subsequent appeals need not duplicate the documents included in the first appeal file, but shall make reference to the appeal file which contained such documents, including the docket and item numbers, and shall include any documents pertinent to the later appeal but not previously furnished.

(b) After examining the appeal file, the contracting officer shall prepare a memorandum of position (utilizing the sample memorandum set forth in § 5A-76.309 as a guide) and obtain the written concurrence of assigned counsel. The memorandum of position shall also be approved by the Chief, Regional Procurement Division or the Director, ADP Procurement Division, or the Director, Special Programs Division, or POD branch chief, as appropriate. The contracting officer's memorandum of position required by this paragraph (b) is a chronological summary of the procurement and a rationale of the contracting officer's actions, for the information of the trial counsel. This memorandum of position shall be submitted promptly upon preparation, as a separate document, directly to the Assistant General Counsel (LC) and shall not be included in the appeal file or noted in the index.

* * * * *

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

Effective date. These regulations are effective 30 days after the date shown below.

Dated: June 6, 1972.

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

[FR Doc.72-9300 Filed 6-20-72;8:46 am]

Title 49—TRANSPORTATION

Chapter II—Federal Railroad Administration, Department of Transportation

PART 228—HOURS OF SERVICE OF RAILROAD EMPLOYEES

On June 8, 1971, the Federal Railroad Administration (FRA) issued a notice of proposed rule making (Docket No. HS-1, Notice No. 1, 36 F.R. 11303), proposing to revise Part 228 Title 49, Code of Federal Regulations, in accordance with Public Law 91-169, 83 Stat. 463, 45 U.S.C. 61, which became effective December 26, 1970. In this notice, FRA also proposed changes in recordkeeping and reporting requirements.

Two comments were received. One comment suggested several changes for purposes of clarification. As a result, paragraph (a) of § 228.7 has been modified and a new paragraph (c) has been added. In addition, minor editorial changes have been made in §§ 228.5 and 228.19(b).

The other comment was limited to recordkeeping forms and methods. It opposed elimination of the present requirement that railroads use FRA-prescribed recordkeeping forms and methods to record hours of service of employees, contending that this change was unnecessary and would seriously hamper enforcement of Public Law 91-169. FRA does not agree. This change would merely allow railroads to use recordkeeping forms and methods tailored to meet their particular operation. Rail carriers will still be required to record and keep available for inspection the information FRA needs to administer and enforce Public Law 91-169.

The second comment also requested that there be an oral hearing before issuance of a final rule. After carefully reviewing the proposed rule in light of both comments received, FRA has determined that an oral hearing is unnecessary in this instance and would not, therefore, be in the public interest. The proposed rule is administrative in nature. Interested persons were afforded ample opportunity to submit written comments. Only two comments were received. Both are limited in scope, and clearly and adequately state their position. Accordingly, the request for oral hearing is denied.

In consideration of the foregoing, Chapter II of Subtitle B of Title 49 of the Code of Federal Regulations is amended by revising Part 228 to read as follows, effective August 1, 1972. This revision is issued under 83 Stat. 463, et seq., 45 U.S.C. 61 et seq.; and § 1.49(d) regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(d).

Issued in Washington, D.C., on June 15, 1972.

JOHN W. INGRAM,
Administrator.

Sec.

AUTHORITY: The provisions of this Part 228 issued under sec. 12, 24 Stat. 383, as amended, sec. 20, 24 Stat. 386, as amended, 49 U.S.C. 12, 20; sec. 6, 80 Stat. 937, 49 U.S.C. 1655; and sec. 1-4, 34 Stat. 1415, as amended, 45 U.S.C. 61-64; and sec. 1.49(d) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(d).

§ 228.1 Scope.

This part prescribes reporting and record keeping requirements with respect to the hours of service of railroad employees.

§ 228.3 Application.

(a) This part applies to each common carrier engaged in the transportation of passengers or property by railroad—

(1) In the District of Columbia or any territory of the United States;

(2) From a State or territory of the United States or the District of Columbia to another State or territory of the United States or the District of Columbia;

(3) From any place in the United States to an adjacent foreign country; or

(4) From any place in the United States through a foreign country to another place in the United States.

§ 228.5 Definitions.

In this part—

"Administrator" means the Administrator of the Federal Railroad Administration or any person to whom he has delegated authority in the matter concerned.

"Employee" means an individual (1) actually engaged in or connected with the movement of any train, or (2) who dispatches, reports, transmits, receives, or delivers orders pertaining to train movements by the use of telegraph, telephone, radio, or any other electrical or mechanical device.

"Railroad" includes all bridges, ferries, and roads, whether owned or operated under a contract, agreement, or lease, used in connection with that railroad.

§ 228.7 Hours of duty.

(a) For purposes of this part, time on duty of an employee actually engaged in or connected with the movement of any train, begins when he reports for duty and ends when he is finally released from duty, and includes—

(1) Time engaged in or connected with the movement of any train;

(2) Any interim period available for rest at a location that is not a designated terminal;

(3) Any interim period of less than 4 hours available for rest at a designated terminal;

(4) Time spent in deadhead transportation en route to a duty assignment; and

(5) Time engaged in any other service for the carrier.

Time spent in deadhead transportation by an employee returning from duty to his point of final release may not be counted in computing time off duty or time on duty.

(b) For purposes of this part, time on duty of an employee who dispatches, reports, transmits, receives, or delivers

orders pertaining to train movements by use of telegraph, telephone, radio, or any other electrical or mechanical device includes all time on duty in other service performed for the common carrier during the 24-hour period involved.

§ 228.9 Railroad records; general.

(a) Records maintained under this part shall be—

(1) Signed by the employee whose time on duty is being recorded or, in the case of train and engine crews, signed by the ranking crew member;

(2) Retained for 2 years; and

(3) Available for inspection and copying by the Administrator during regular business hours.

§ 228.11 Hours of duty records.

(a) Each carrier shall keep a record of the following information concerning the hours of duty of each employee:

(1) Identification of employee.

(2) Place, date, and beginning and ending times for hours of duty in each occupation.

(3) Total time on duty in all occupations.

(4) Number of consecutive hours off duty prior to going on duty.

§ 228.13 Train delay records.

Each carrier shall keep a record of time delays of 10 or more minutes experienced at a single location by train and engine service crews. The location, date, beginning and ending times, and cause of the delay shall be set forth in the record.

§ 228.15 Record of train movements kept at reporting station.

Each carrier shall keep a record of train movements at each station, tower, office, or other place where information about the movement of trains is reported or relayed by employees through the use of telegraph, telephone, radio, or any other electrical or mechanical device. The direction of travel and time of passing, or times of arrival and departure, shall be set forth in the record.

§ 228.17 Dispatcher's record of train movements.

(a) Each carrier shall keep, for each dispatching district, a record of train movements made under the direction and control of a dispatcher who uses telegraph, telephone, radio, or any other electrical or mechanical device to dispatch, report, transmit, receive, or deliver orders pertaining to train movements. The following information shall be included in the record:

(1) Identification of timetable in effect.

(2) Location and date.

(3) Identification of dispatchers and their times on duty.

(4) Weather conditions at 6-hour intervals.

(5) Identification of enginemen and conductors and their times on duty.

(6) Identification of trains and engines.

(7) Station names and office designations.

(8) Distances between stations.

(9) Direction of movement and the time each train passes all reporting stations.

(10) Arrival and departure times of trains at all reporting stations.

(11) Unusual events affecting movement of trains and identification of trains affected.

§ 228.19 Monthly reports of excess service.

(a) Each carrier shall report to the Administrator each of the following instances within 30 days after the calendar month in which the instance occurs:

(1) Members of a train or engine crew or other employees engaged in or connected with the movement of trains are on duty for more than 14 consecutive hours (12 hours after December 25, 1972).

(2) Members of a train or engine crew or other employees engaged in or connected with the movement of trains return to duty after 14 hours of continuous service (12 hours after December 25, 1972) without at least 10 consecutive hours off duty.

(3) Members of a train or engine crew or other employees engaged in or connected with the movement of trains continue on duty without at least 8 consecutive hours off duty during the preceding 24 hours.[1]

(4) Members of a train or engine crew or other employees engaged in or connected with the movement of trains return to duty without at least 8 consecutive hours off duty during the preceding 24 hours.[1]

(5) Employees who transmit, receive, or deliver orders affecting train movements are on duty for more than 9 hours in any 24-hour period at an office where two or more shifts are employed.

(6) Employees who transmit, receive, or deliver orders affecting train movements are on duty for more than 12 hours in any 24-hour period at an office where one shift is employed.

(b) Reports required by paragraph (a) of this section shall be filed in writing on FRA Form F-6180-3 [2] with the Office of Safety, Federal Railroad Administration, Washington, D.C. 20590. A separate form shall be used for each instance reported.

[1] Instances involving tours of duty that are broken by four or more consecutive hours off duty time at a designated terminal and do not contain more than a total of 14 hours time on duty (12 hours after Dec. 25, 1972), are not required to be reported, provided such tours of duty are immediately preceded by 8 or more consecutive hours off duty time. Instances involving tours of duty that are broken by less than 8 consecutive hours off duty and contain more than a total of 14 hours time on duty (12 hours after Dec. 25, 1972), must be reported.

[2] Form may be obtained from the Office of Safety, Federal Railroad Administration, Washington, D.C. 20590. Reproduction is authorized.

§ 228.21 Civil penalty.

A carrier that fails or refuses to keep records or file reports as required by this part, or to make records available to the Administrator for inspection or copying, is liable to a civil penalty of $500 for each offense as prescribed by section 20 of the Interstate Commerce Act, 49 U.S.C. 20. Each day a failure or refusal continues is a separate offense.

§ 228.23 Criminal penalty.

(a) Whoever knowingly and willfully—

(1) Makes, causes to be made, or participates in the making of a false entry in reports required to be filed or records required to be kept by this part;

(2) Destroys, mutilates, alters, or otherwise falsifies such records;

(3) Neglects or fails to make full, true, and correct entries in such records; or

(4) Keeps a record contrary to the requirements of this part;

Is subject to a $5,000 fine and 2 years' imprisonment as prescribed by section 20 of the Interstate Commerce Act, 49 U.S.C. 20.

[FR Doc.72-9327 Filed 6-20-72;8:49 am]

PART 232—RAILROAD POWER BRAKES AND DRAWBARS

Power Brake Inspection of Unit and Run-Through Trains

The purpose of this amendment is to prescribe power brake inspections and tests for (1) run-through trains interchanged between two or more carriers with no change in consist other than the addition or deletion of a solid block of cars, and (2) unit run-through trains which operate on a continuous round-trip cycle over more than one railroad and consist of assigned equipment.

On October 13, 1971, the Federal Railroad Administration (FRA) issued a notice of proposed rule making (Docket No. PB-5; Notice No. 2; 36 F.R. 20308) to amend § 232.12 and add a new § 232.19 prescribing power brake inspections and tests for run-through and unit run-through trains. Interested persons were invited to participate in making the proposed rules by submitting written comments before November 22, 1971. After a request for a public hearing, FRA issued a notice of public hearing (36 F.R. 23930) to be held at its headquarters in Washington, D.C., on January 10, 1972. The hearing was held as scheduled and all persons present were given an opportunity to express their views. At the request of several persons at the hearing, the time for filing written comments was extended to February 1, 1972.

After considering all the written comments and the views presented at the hearing, FRA has decided to make a number of changes in the text of the rules as originally proposed. Some of these changes consist of modifications of language and reorganization of format. Other changes are substantive in nature

and alter § 232.19 to a minor extent. All changes are within the scope of the notice of proposed rule making.

As proposed, paragraph (b) of § 232.19 would have required each carrier to notify FRA of all run-through and unit run-through trains operating over its tracks and to furnish certain descriptive information. This requirement has been modified in two respects by the final rule. First, only a single notice is required from all carriers involved with a run-through or unit run-through train to eliminate unnecessary duplication of notices. Secondly, the amount of information about the trains which carriers must send to FRA has been reduced. The information requirements in the notice exceeded what is reasonably necessary to advise FRA of the existence of run-through trains and their inspection points.

A new paragraph (c)(2) has been included in the final rule which did not appear in the notice. Paragraph (c)(2) provides that when the consist of a run-through train is changed other than by adding or removing a block of cars and the brake system remains charged, the train airbrake tests are to be conducted according to the requirements of § 232.12 (c)–(j). An identical test is presently prescribed for all trains under § 232.12.

A new paragraph (e) has been added to § 232.19 that did not appear in the notice. This new paragraph requires the inspection and testing of each newly added block of cars in accordance with § 232.12(c)–(j). This requirement to test each block of cars was originally proposed in paragraph (c) of the notice. However, some commenters pointed out that blocks of cars may be added at locations where repair facilities are not available. Therefore, in the final rule carriers are permitted to defer testing under § 232.12(c)–(j) until a later time: *Provided,* A test is made under § 232.13 (d)(1) when the block is picked up.

Paragraph (f) in the notice has been broken down into two new paragraphs, (g) and (h). Paragraph (g) restates the material found in paragraph (f)(1) of the notice and also requires defective cars to be corrected at the point of inspection. This latter requirement was covered by the notice, since it precisely defines the purpose of having cars inspected and tested at points where repair facilities are available. Paragraph (h) contains the material included in paragraph (f)(2) of the notice. In addition, this material has been expanded to put into regulatory form the language which originally appeared at the bottom of Form FRA F–6180–48. This form was attached to the notice, and although it was not published in the FEDERAL REGISTER, FRA believes that its content was known to all interested parties. In fact, many comments suggested revisions in the makeup of the form. For these reasons further notice and comment are not necessary in this portion of the new rule.

FRA has thoroughly reviewed and carefully considered briefs submitted by commenters contending that a judicial rather than a legislative type hearing is required in this rule-making proceeding. However, the decision on this point in United Transportation Union v. United States, 337 F. Supp. 410, 415 (D.C. 1972); aff'd No. 71–1209 (U.S.S.C., June 7, 1972), that only a legislative type of hearing is required, was more persuasive.

FRA believes these amendments will increase safety of operation of run-through and unit run-through trains by assuring higher quality train brake inspections and tests and prompt corrections of deficiencies found during those tests. For instance, under the new § 232.19(g), inspections and tests must be made by qualified employees at places where repair facilities are available to correct defective cars. Safety will also be improved by not requiring repetition of the § 232.12 initial terminal road train brake test at congested interchange points where the performance of this test is a hazardous undertaking for carrier employees.

In consideration of the foregoing, Part 232 of Chapter II of Title 49 of the Code of Federal Regulations is amended as set forth below effective August 1, 1972.

(72 Stat. 86, 45 U.S.C. 9; sec. 6(e), (f), 80 Stat. 939, 49 U.S.C. 1655; and § 1.49(c) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(c))

Issued in Washington, D.C., on June 15, 1972.

JOHN W. INGRAM,
Administrator.

1. Section 232.12 is amended to read as follows:

§ 232.12 Initial terminal road train airbrake tests.

(a) Except for run-through and unit run-through trains covered under § 232.19, each train must be inspected and tested as specified in this section at points—

(1) Where the train is originally made up (initial terminal);

(2) Where train consist is changed, other than by adding or removing a solid block of cars, and the train brake system remains charged; and

(3) Where the train is received in interchange.

(b) Each carrier shall designate additional inspection points not more than 500 miles apart where intermediate inspection will be made to determine that—

(1) Brake pipe pressure leakage does not exceed 5 pounds per minute;

(2) Brakes apply on each car in response to a 20-pound service brake pipe pressure reduction; and

(3) Brake rigging is properly secured and does not bind or foul.

(c) Train airbrake system must be charged to required air pressure, angle cocks and cutout cocks must be properly positioned, air hose must be properly coupled and must be in condition for service. An examination must be made for leaks and necessary repairs made to reduce leakage to a minimum. Retaining valves and retaining valve pipes must be inspected and known to be in condition for service. If train is to be operated in electropneumatic brake operation, brake circuit cables must be properly connected.

(d) (1) After the airbrake system on a freight train is charged to within 15 pounds of the setting of the feed valve on the locomotive, but to not less than 60 pounds, as indicated by an accurate gauge at rear end of train, and on a passenger train when charged to not less than 70 pounds, and upon receiving the signal to apply brakes for test, a 15-pound brake pipe service reduction must be made in automatic brake operations, the brake valve lapped, and the number of pounds of brake pipe leakage per minute noted as indicated by brake pipe gauge, after which brake pipe reduction must be increased to full service. Inspection of the train brakes must be made to determine that angle cocks are properly positioned, that the brakes are applied on each car, that piston travel is correct, that brake rigging does not bind or foul, and that all parts of the brake equipment are properly secured. When this inspection has been completed, the release signal must be given and brakes released and each brake inspected to see that all have released.

(2) When a passenger train is to be operated in electropneumatic brake operation and after completion of test of brakes as prescribed by subparagraph (1) of this paragraph the brake system must be recharged to not less than 90 pounds air pressure, and upon receiving the signal to apply brakes for test, a minimum 20 pound electropneumatic brake application must be made as indicated by the brake cylinder gage. Inspection of the train brakes must then be made to determine if brakes are applied on each car. When this inspection has been completed, the release signal must be given and brakes released and each brake inspected to see that all have released.

(3) When the locomotive used to haul the train is provided with means for maintaining brake pipe pressure at a constant level during service application of the train brakes, this feature must be cut out during train airbrake tests.

(e) Brake pipe leakage must not exceed 5 pounds per minute.

(f) (1) At initial terminal piston travel of body-mounted brake cylinders which is less than 7 inches or more than 9 inches must be adjusted to nominally 7 inches.

(2) Minimum brake cylinder piston travel of truck-mounted brake cylinders must be sufficient to provide proper brake shoe clearance when brakes are released. Maximum piston travel must not exceed 6 inches.

(3) Piston travel of brake cylinders on freight cars equipped with other than standard single capacity brake, must be adjusted as indicated on badge plate or stenciling on car located in a conspicuous place near brake cylinder

(g) When test of airbrakes has been completed the engineman and conductor must be advised that train is in proper condition to proceed.

(h) During standing test, brakes must not be applied or released until proper signal is given.

(i) (1) When train airbrake system is tested from a yard test plant, an engineer's brake valve or a suitable test device must be used to provide increase and reduction of brake pipe air pressure or electropneumatic brake application and release at the same or a slower rate as with engineer's brake valve and yard test plant must be connected to the end which will be nearest to the hauling road locomotive.

(2) When yard test plant is used, the train airbrakes system must be charged and tested as prescribed by paragraphs (c) to (g) of this section inclusive, and when practicable should be kept charged until road motive power is coupled to train, after which, an automatic brake application and release test of airbrakes on rear car must be made. If train is to be operated in electropneumatic brake operation, this test must also be made in electropneumatic brake operation before proceeding.

(3) If after testing the brakes as prescribed in subparagraph (2) of this paragraph the train is not kept charged until road motive power is attached, the brakes must be tested as prescribed by paragraph (d)(1) of this section and if train is to be operated in electropneumatic brake operation as prescribed by paragraph (d)(2) of this section.

(j) Before adjusting piston travel or working on brake rigging, cutout cock in brake pipe branch must be closed and air reservoirs must be drained. When cutout cocks are provided in brake cylinder pipes, these cutout cocks only may be closed and air reservoirs need not be drained.

§ 232.13 [Amended]

2. Section 232.13 (d)(1), (d)(2)(i), (d)(2)(ii), and (e)(2) is amended by deleting "§ 232.12 (a) to (h)" in each case and adding in place thereof "§ 232.12(c)–(j)".

3. A new § 232.19 is added to read as follows:

§ 232.19 Airbrake tests on run-through and unit run-through trains.

(a) For the purposes of this section—

(1) "Run-through train" means a train which passes from one carrier to another carrier with no change in consist (including locomotive) other than the addition or removal of a block of one or more cars; and

(2) "Unit run-through train" means a run-through train operated by more than one carrier on a continuous round-trip cycle and consisting of assigned equipment.

(b) The carriers involved shall jointly notify the Federal Railroad Administrator in writing of run-through trains and unit run-through trains operating over their tracks. The notice must identify points of interchange and all other points where equipment and air brake inspections are made.

(c) Each run-through train shall be inspected and tested as prescribed by § 232.12(c)–(j)—

(1) Where the train is originally made up (initial terminal);

(2) Where train consist is changed other than by adding or removing a solid block of cars and train brake system remains charged; and

(3) At intermediate inspection points not more than 500 miles apart, subject to the requirements of paragraph (f) of this section.

(d) Each unit run-through train shall be inspected and tested as prescribed by § 232.12(c)–(j)—

(1) Where the train is originally made up and where it is reassembled after being broken up;

(2) Once during each round-trip cycle of less than 500 miles at an inspection point designated in writing by the carriers involved; and

(3) At intermediate inspection points not more than 500 miles apart, subject to the requirements of paragraph (f) of this section.

(e) Each carrier that adds a block of one or more cars to a run-through train or unit run-through train after the train is originally made up, shall inspect and test the block as follows:

(1) In accordance with § 232.12(c)–(j) at the point where the block is added; or

(2) In accordance with § 232.13(d)(1) at the point where the block is added, and § 232.12(c)–(j) at the next point on its line where the inspections and tests can be performed, but not beyond a designated 500-mile inspection point.

(f) For the purpose of the intermediate inspections and tests required by paragraphs (c)(3) and (d)(3) of this section—

(1) Piston travel of a body-mounted 10-inch brake must not exceed 10 inches; and

(2) Piston travel on all other brakes—

(i) Must not exceed the nominal travel specified by more than 2 inches; and

(ii) Must not exceed the maximum travel specified by the badge plate or stencil on the car.

(g) The inspections and tests made under § 232.12(c)–(j) as required by this section shall be performed by qualified carrier personnel at locations where adequate repair facilities are available to maintain power brake systems in effective operating condition in conformity with this part. Defective cars shall be repaired or removed from service at the point of inspection and testing.

(h) Each carrier shall record the inspections and tests made under § 232.12(c)–(j) as required by this section at the time they are performed by completing Form FRA F–6180–48[1] in duplicate. This form shall be signed by the supervisor or other carrier employee responsible for the inspections and tests. One copy of the form shall be kept in the cab of the locomotive until the train arrives at its final terminal, and one copy shall be retained for 3 months at the terminal where the inspections and tests are made.

(i) At locations where the crew of one carrier takes over control and operation of a run-through train or unit run-through train from the crew of another carrier, the receiving carrier shall inspect and test the train to determine that—

(1) The cab of the locomotive contains a Form FRA F–6180–48 completed as required by paragraph (h) of this section;

(2) Brake pipe leakage does not exceed 5 pounds per minute; and

(3) Brakes apply and release on the rear car from a 20-pound service brake pipe pressure reduction.

If the cab of the locomotive does not contain a completed Form FRA F–6180–48, the train must be inspected and tested as prescribed by § 232.12(c)–(j) before it proceeds.

4. The table of sections is amended by adding at the end thereof:

232.19 Air brake tests on run-through and unit run-through trains.

[FR Doc.72-9326 Filed 6-20-72;8:49 am]

[1] The Federal Railroad Administration will furnish specimen copies of Form FRA F–6180–48, which is filed as part of the original document, upon request. The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Chapter V—National Highway Traffic Safety Administration

[Docket No. 71–1; Notice 3]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Glazing Materials

The purpose of this notice is to amend Motor Vehicle Safety Standard No. 205, "Glazing Materials," to permit the use of certain plastic materials in motor vehicles in addition to those presently allowed, to modify the certification and labeling requirements, and to modify the test for the chemical resistance of plastic materials. It also clarifies the applicability of the standard to motor vehicle equipment, and the provisions of the standard dealing with readily removable windows.

Federal Motor Vehicle Safety Standard No. 205 was initially published February 3, 1967 (32 F.R. 2414), and amended July 8, 1967 (32 F.R. 10072), September 19, 1968 (33 F.R. 14162), and March 1, 1969 (34 F.R. 3688). On January 9, 1971, a notice of proposed rule making (Docket 71–1, Notice 1) was published based upon petitions for rule making received from the Eastman Chemical Products, Inc., and the California Highway Patrol. The former requested that the standard be amended to allow the use of butyrate plastic materials, and the latter requested changes in the requirements of the standard dealing with the marking of glazing materials. This amendment responds to both of these petitions and also modifies the standard as a result of independent agency action.

Standard No. 205 is applicable to "glazing materials for use in passenger

cars, multipurpose passenger vehicles, trucks, buses and motorcycles." It is also applicable, under FHWA Ruling 68–1 (33 F.R. 5020, March 26, 1968), to glazing for use in slide-in and chassis-mount campers. This amendment to Standard No. 205 incorporates the substances of FHWA Ruling 68–1 into the applicability section of the standard and specifies, in accordance with the notice of March 1, 1969 (Docket 23; Notice 2, 34 F.R. 3688) the glazing materials that are permitted to be used in these equipment items.

The notice of January 9, 1971, proposed to revise the incorporation by reference of American Standards Association Test (ASA) Z26.1–1966 to include supplement Z26.1a–1969, March 7, 1969, and to reflect the change in the name of the American Standards Association to the American National Standards Institute. No objections were raised in the comments to these proposals, and they are incorporated into the standard by this amendment.

The notice proposed to modify the chemical resistance tests incorporated into the standard (Tests 19 and 20), by deleting carbon tetrachloride as a testing agent and by adding trichloroethylene. The tests are designed to test the resistance of plastic materials to chemicals that are commonly used to clean them. By this notice, carbon tetrachloride is deleted from the list of materials. As indicated in the notice of proposed rule making, the deletion is commensurate with the ban imposed by the Food and Drug Administration on this substance because of its high toxicity. At the same time, the NHTSA has decided not to include either trichlorethylene or freon in the list of testing agents. The comments have indicated that these substances are not commonly used as cleaning agents, and accordingly they are not used for test purposes.

The major revision proposed by the notice, based upon a petition for rule making from the Eastman Chemical Products Co., Inc., was to allow additional plastic materials to be used in motor vehicles. The petitioner claimed that the requested materials would meet any test to which other plastic materials are subjected, except for resistance to undiluted denatured alcohol (Formula SD 30), where a slight tackiness would occur. Rather than merely exempt these plastics from the alcohol resistance requirement, the notice suggested that they still be subjected to the same chemicals as other plastics, but that if structural integrity were maintained, a loss of transparency would be allowed. The notice for the same reason proposed not to subject these materials to the abrasion and weathering tests applied to other plastics. Instead, the proposal would have required labels to be affixed to the material specifying cleaning agents and instructions that would minimize loss of transparency, and would have restricted them to locations in motor vehicles where loss of transparency would not affect driver visibility.

Based upon information received during the rule making process, the NHTSA has determined that the materials in question exhibit characteristics which make them satisfactory from the standpoint of safety for use in certain motor vehicle applications. Many comments, however, opposed the approach taken by NHTSA in the proposed rule, and as a result the proposed requirements have been changed. The standard as now amended will provide that these materials not be required to show resistance to undiluted denatured alcohol if (1) they show resistance to the other chemicals presently specified as testing agents, (2) they can meet the other tests to which other plastic materials are subjected, and (3) they are used in only limited locations in the motor vehicle. In addition, they must be labeled, as proposed, with instructions regarding cleaning that will minimize a loss of transparency.

Some comments also objected to certain locations where the additional plastic materials would have been allowed to be used: specifically, auxiliary wind deflectors and folding doors. The comments suggested that transparency is an important characteristic for glazing used in these locations, and that materials not resistant to Formula SD 30 alcohol should not be used in them. The NHTSA has determined that these comments have merit, and has not permitted these materials to be used in the two locations.

The notice of proposed rule making would have required all interior mirrors, both rearview and vanity-type, to be constructed of glazing materials that meet the requirements of ANS Z26. As a result of comments received, the NHTSA has determined that the requirements should not be applied to interior mirrors. With regard to rearview mirrors, many are today constructed of annealed glass of a wedge shape, in the form of day/night mirrors. The comments have indicated that materials allowed to be used pursuant to ANS Z26 do not make satisfactory day/night mirrors. As these mirrors have clear safety advantages when used in night driving conditions, the NHTSA has determined that their elimination would not be in the best interests of safety. With reference to other vehicle interior mirrors, while the use of safety glazing in them is preferable, there is presently a lack of data which shows a compelling need for changing current industry practices. This is especially important where, as here, much of the equipment involved is not peculiarly adapted to motor vehicle usage. One particular type of mirror, a sun-visor mirror, falls within the purview of Motor Vehicle Safety Standard No. 201, "Occupant Protection in Interior Impact," and will be dealt with as part of that standard.

The notice of proposed rule making prescribed a scheme for the marking and certification of glazing materials which would have required prime glazing manufacturers to certify glazing materials by applying to the glazing material the symbol DOT and an appropriate code mark, together with the marking required by section 6 of ANS Z26. The proposal would have also required these markings to be in a specified format and in a specific location of the completed glazing. Other than primary manufacturers would have been required to certify the material by affixing the mark of the primary manufacturer.

As amended Standard No. 205 will require prime manufacturers to certify glazing material, as proposed, by adding to the markings required by section 6 of ANS Z26 the symbol DOT and a code mark obtained on application to the NHTSA. Those who as manufacturers or distributors cut glazing for use in motor vehicles from larger sheets are required to certify conformity to the standard in any way they choose, as long as the method chosen is consistent with Section 114 of the National Traffic and Motor Vehicle Safety Act. One such method would be to affix a label to the completed piece of glazing containing a statement to the effect that the material conforms to Standard No. 205. The proposed requirement that such manufacturers label the material with the marking of the prime manufacturer has been deleted, as is the proposed requirement that would have required the markings to appear in a specified order, or in specific locations on the glazing material.

An issue arose during the period that this rulemaking was under consideration concerning the use of plastics in side windows of buses. General Motors has requested an interpretation of Standard No. 205 that would include within the definition of "readily removable windows" emergency escape windows which can be pushed out, except for one side which is hinged to the window frame, without the use of any special tools. The NHTSA has concluded that the term "readily removable windows" includes windows of this design, and in this amendment so clarifies Standard No. 205.

Effective dates. The addition of glazing materials to those already allowed imposes no additional burdens on any person, and relieves restrictions on the types of glazing materials which can be used. That part of the amendment pertaining to the addition of these materials, paragraphs S5.1.1.2 S5.1.1.3, and S5.1.2, is effective upon publication of this notice in the FEDERAL REGISTER (6-21–72). Similarly, both the deletion of the test for chemical resistance of plastics to carbon tetrachloride in paragraph S5.1.1.1, and the clarification of "readily removable windows" in S5.1.1.4 relieve restrictions, and the effective date of those amendments is the date of publication of this notice. The other amendments to the standard are effective April 1, 1973.

In light of the above, Motor Vehicle Safety Standard No. 205, appearing at 49 CFR 571.205, is revised to read as set forth below.

(Secs. 103, 114, 119, National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392, 1403, 1407; delegation of authority, 49 CFR 1.51)

Issued on June 14, 1972.

DOUGLAS W. TOMS,
Administrator.

§ 571.205 Standard No. 205; glazing materials.

S1. *Scope.* This standard specifies requirements for glazing materials for use in motor vehicles and motor vehicle equipment.

S2. *Purpose.* The purpose of this standard is to reduce injuries resulting from impact to glazing surfaces, to ensure a necessary degree of transparency in motor vehicle windows for driver visibility, and to minimize the possibility of occupants being thrown through the vehicle windows in collisions.

S3. *Application.* This standard applies to glazing materials for use in passenger cars, multipurpose passenger vehicles, trucks, buses, motorcycles, and campers designed to carry persons while in motion.

S4. *Definitions.* "Camper" means a structure designed to be mounted in the cargo area of a truck, or attached to an incomplete vehicle with motive power, for the purpose of providing shelter for persons.

S5. *Requirements.*

S5.1 *Materials.*

S5.1.1 Glazing materials for use in motor vehicles, except as otherwise provided in this standard, shall conform to the American National Standard "Safety Code for Safety Glazing Materials for Glazing Motor Vehicles Operating on Land Highways," Z26.1–1966, July 15, 1966, as supplemented by Z26.1a–1969, March 7, 1969 (hereinafter referred to as "ANS Z26").

S5.1.1.1 The chemicals specified for testing chemical resistance in Tests Nos. 19 and 20 of ANS Z26 shall be:

(a) One percent solution of nonabrasive soap.

(b) Kerosene.

(c) Undiluted denatured alcohol, Formula SD No. 30 (1 part 100-percent methyl alcohol in 10 parts 190-proof ethyl alcohol by volume).

(d) Commercial motor car gasoline.

S5.1.1.2 The following locations are added to the lists specified in ANS Z26 in which item 4, item 5, item 8, and item 9 safety glazing may be used:

(j) Windows and doors in campers designed to carry persons while in motion.

S5.1.1.3 The following locations are added to the lists specified in ANS Z26 in which item 6 and item 7 safety glazing may be used:

(j) Windows, except forward-facing windows, and doors in campers designed to carry persons while in motion.

S5.1.1.4 The phrase "readily removable" windows as defined in ANS Z26, for the purposes of this standard, in buses having a GVWR of more than 10,000 pounds, shall include pushout windows and windows mounted in emergency exits that can be manually pushed out of their location in the vehicle without the use of tools, regardless of whether such windows remain hinged at one side to the vehicle.

S5.1.2 In addition to the glazing materials specified in ANS Z26, materials conforming to S5.1.2.1 or motor vehicles specified in those sections.

S5.1.2.1 *Item 12—Rigid plastics.* Safety plastic materials that comply with Tests Nos. 10, 13, 16, 17, 21, and 24 of ANS Z26, Tests Nos. 19 and 20 of ANS Z26 with the exception of the test for resistance to undiluted denatured alcohol Formula SD No. 30, and the labeling requirements of S5.1.2.3, may be used in a motor vehicle only in the following specific location at levels not requisite for driving visibility.

(a) Windows and doors in campers designed to carry persons while in motion.

(b) Motorcycle windscreens below the intersection of a horizontal plane 15 inches vertically above the lowest seating position.

(c) Standee windows in buses.

(d) Interior partitions.

(e) Openings in the roof.

(f) Flexible curtains or readily removable windows or in ventilators used in conjunction with readily removable windows.

S5.1.2.2 *Item 13—Flexible plastics.* Safety plastic materials that comply with Tests Nos. 16, 22, and 23 or 24 of ANS Z26, Tests Nos. 19 and 20 of ANS Z26 with the exception of the test for resistance to undiluted denatured alcohol Formula SD No. 30, and the labeling requirements of S5.1.2.3, may be used in a motor vehicle only in the following specific locations at levels not requisite for driving visibility.

(a) Windows, except forward-facing windows, and doors in campers designed to carry persons while in motion.

(b) Motorcycle windscreens below the intersection of a horizontal plane 15 inches vertically above the lowest seating position.

(c) Standee windows in buses.

(d) Interior partitions.

(e) Openings in the roof.

(f) Flexible curtains or readily removable windows or in ventilators used in conjunction with readily removable windows.

S5.1.2.3 *Cleaning instructions.* Each manufacturer of glazing materials designed to meet the requirements of S5.2.1 or S5.1.2.2 shall affix a label, removable by hand, to each item of such glazing material. The label shall specify instructions and agents for cleaning the material that will minimize the loss of transparency.

S5.2 *Edges.* In vehicles except schoolbuses, exposed edges shall be treated in accordance with SAE Recommended Practice J673a, "Automotive Glazing", August 1967. In schoolbuses, exposed edges shall be banded.

S6. *Certification and marking.*

S6.1 Each prime glazing material manufacturer, except as specified below, shall mark glazing materials manufactured by him in accordance with section 6 of ANS Z26. A prime glazing material manufacturer is one who fabricates, laminates, or tempers the glazing material.

S6.2 Each prime glazing material manufacturer shall certify that his product complies with this standard, pursuant to section 114 of the National Traffic and Motor Vehicle Safety Act of 1966, by adding to the mark required by S6.1, in letters and numerals of the size specified in section 6 of ANS Z26, the symbol "DOT" and a manufacturer's code mark, which will be assigned by the NHTSA on the written request of the manufacturer.

S6.3 Each manufacturer or distributor who cuts a section of glazing material for use in a motor vehicle or item of motor vehicle equipment shall certify that his product complies with this standard in accordance with section 114 of the National Traffic and Motor Vehicle Safety Act.

[FR Doc.72-9283 Filed 6-16-72;9:23 am]

Chapter X—Interstate Commerce Commission

SUBCHAPTER D—TARIFFS AND SCHEDULES

[Docket No. 35613]

PART 1300—FREIGHT SCHEDULES; RAILROADS

PART 1303—PASSENGER SERVICE SCHEDULES; RAIL AND WATER CARRIERS

PART 1304—EXPRESS COMPANIES SCHEDULES AND CLASSIFICATIONS

PART 1306—PASSENGER AND EXPRESS TARIFFS AND SCHEDULES OF MOTOR CARRIERS

PART 1307—FREIGHT RATE TARIFFS, SCHEDULES, AND CLASSIFICATIONS OF MOTOR CARRIERS

PART 1308—FREIGHT TARIFFS AND SCHEDULES OF WATER CARRIERS

PART 1309—TARIFFS AND CLASSIFICATIONS OF FREIGHT FORWARDERS

Transmission of Tariffs and Schedules to Subscribers and Other Interested Parties

JUNE, 13, 1972.

Order of May 1, 1972.

The outstanding order in the above-entitled proceeding not yet having become effective, and appropriate petitions for reconsideration of such order having been timely filed, such order is, pursuant to section 17(8) of the Interstate Commerce Act, stayed pending disposition of the petitions.

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

[FR Doc.72-9352 Filed 6-20-72;8:50 am]

Title 50—WILDLIFE AND FISHERIES

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

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Special Regulations: Recreation and User Fees

Special regulations governing recreation and user fees on certain national

wildlife refuges were originally published as document 72-7023 on page 9323 of the May 9, 1972, issue of the FEDERAL REGISTER, and became effective immediately upon publication.

These special regulations are hereby amended to allow the issuance of seasonal permits for recreation and public use on the national wildlife refuges designated as fee areas in the original document. Accordingly the section entitled "Recreation fees" is amended by substituting the word "four" for the word "three" and deleting the words "charged on a daily basis" in the first sentence and by adding paragraph (d). The amended section will read as follows:

RECREATION FEES

There shall be four types of user fees:

* * * * *

(d) Fee for a seasonal permit applicable to those entering by private, noncommercial vehicle. The fee shall be $5 per vehicle. The seasonal permit shall admit the purchaser and all who accompany him. The seasonal permit is valid only at the area for which it is purchased. Such permits are nontransferable except that the permit may be used by members of the purchaser's immediate family (spouse and children).

It is determined that notice and public procedure thereon are unnecessary as this amendment continues a fee program previously in effect and does not further restrict members of the public. Therefore, this amendment will become effective upon publication in the FEDERAL REGISTER (6-21-72).

(76 Stat. 653; 16 U.S.C., 460k to 460k-4)

E. V. SCHMIDT,
Acting Deputy Director, Bureau of Sport Fisheries and Wildlife.

JUNE 14, 1972.

[FR Doc.72-9340 Filed 6-20-72;8:49 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[41 CFR Part 14–1]

SMALL BUSINESS CONCERNS

Notice of Proposed Rule Making

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 251 et seq.), the Office of the Secretary is considering an amendment to Subpart 14–1.7 of the Interior Procurement Regulations by adding a new § 14–1.701–50 providing a definition of small business for the "purpose of surety bond guarantee assistance," by amending § 14–1.702 to give additional emphasis to the small business policies of the Department of the Interior, by amending § 14–1.706–1 to increase the class set-asides for construction from contracts of $500,000 or less to contracts of $1 million or less, and by adding a new § 14–1.706–5 to provide appropriate provisions to include in solicitations size standards for small businesses involved in the procurement and to give notice to small business bidders that certain surety bond assistance is available.

Any person who wishes to submit written data, views, or comments pertaining to the proposed amendments may do so by filing them in duplicate with the Director, Office of Survey and Review, Office of the Assistant Secretary—Management and Budget, Department of the Interior, 19th and E Streets NW., Washington, DC 20240, within 30 days after publication of this notice in the FEDERAL REGISTER.

The amendments to the Interior Procurement Regulations as proposed will read as follows.

CHARLES G. EMLEY, Jr.,
Deputy Assistant Secretary of the Interior.

JUNE 13, 1972.

PART 14–1—GENERAL

Subpart 14–1.7—Small Business Concerns

§ 14–1.701 Definitions.

§ 14–1.701–50 Definition of small business for the purpose of surety bond guarantee assistance.

(a) The Small Business Administration may guarantee up to 90 percent of the loss on a surety bond required of a small business in order to obtain a Government contract.

(b) A small business concern for the purpose of surety bond guarantee assistance is a concern that qualifies as a small business under § 1–1.701–1 of this title with the following exception: Any construction concern is small if its annual receipts for its preceding fiscal year or its average annual receipts for its preceding 3 fiscal years, do not exceed $750,000.

(c) Procurement personnel shall assist small businesses needing this surety bond guarantee whenever possible by directing them to the nearest office of the Small Business Administration.

§ 14–1.702 Small business policies.

(a) The Department of the Interior fully supports the national policy of placing a fair proportion of its purchases of all types with small business including minority business. Heads of bureaus and offices shall take positive action to assure implementation of this policy and the requirements of §§ 1–1.702 and 1–1.713–2 of this title. Such action shall include but shall not be limited to the following:

(1) Designate a member of the headquarters procurement staff as "Small Business Advisor" and wherever possible and practical a small business representative should also be designated in major field procurement offices such as regional offices and service centers.

(2) Instruct small business representatives to work closely with procurement personnel to identify potentially qualified small and minority business firms prior to the actual procurement process and make sure that such firms are given full opportunity to participate equitably, see to it that field procurement personnel take full advantage of the services of the Small Business Administration Field Procurement Representatives, and work closely with them in a continuing effort to make sure that legitimate opportunities to place procurements with small and minority businesses are not overlooked.

(b) Small business advisors shall work with technical staffs and make them aware of the national policy relative to small and minority business and that design, specifications, and procurement requests are drawn, when possible and practical, to permit small and minority business participation in the procurement. It shall also be the duty of the small business advisors to counsel small and minority businesses in regard to the proper procedures for participating in Government procurement and to enlist the advice and assistance of program and technical personnel to the small or minority business contractor in the proper performance of his contract.

(c) It shall be the goal of the Department of the Interior to place at least 50 percent (dollar value) of its purchases from small business as a result of set-asides.

(d) Random checks shall be made periodically to measure the effectiveness of the small business program and effect improvements in the program wherever possible. The degree to which the small business policies have been carried out will also be an item for checking in every procurement review and will likewise be surveyed by the Departmental Audit Staff during the course of routine audits.

§ 14–1.706 Procurement set-asides for small business.

§ 14–1.706–1 General.

(a) Pursuant to §§ 1–1.706–1, 1–3.201 (a) and (b) of this title, and 14–3.201 (a) of this chapter, it shall be the policy of the Department of the Interior to set aside on a class basis for small business all procurements for construction including alteration, maintenance, and repairs estimated to cost $1 million or less, except individual procurements for which small purchase procedures (see Subpart 1–3.6 of this title) are to be used or when emergency repair work is required. Contracting officers may deviate from this class set-aside policy as provided in § 1–1.706–3 of this title.

(b) Construction procurements, including alteration, maintenance, and repair, estimated to cost more than $1 million shall be considered for small business set-aside on a case-by-case basis.

§ 14–1.706–5 Total set-asides.

(a) To implement the requirements of § 1–1.706–5(c) of this title, that the small business size standard to be set forth in the schedule, a statement substantially as follows shall be included in invitations and requests for proposals involving total set-asides for small business:

> Small business size standard for item(s) or schedule(s) (insert as appropriate) number(s) ---------- is (insert appropriate information from § 1–1.701–1 of this title).

The statement should be inserted only once for each size standard applicable to the procurement.

(b) If the articles or services to be procured cannot be identified with an industry for which a size standard is specifically established then it shall be assumed that the size standard is 500 employees or less. (See § 1–1.701–1(a) (2) of this title.)

(c) Invitations or requests for proposals requiring surety bonds shall also include a statement similar to the following:

> The Small Business Administration may, under certain conditions, provide assistance on surety bonds required hereunder. For the purpose of surety bond guarantee assistance the definition of a small business is the same as stated (identify location) except that any construction concern is small if its annual receipts for its preceding fiscal year or its average annual receipts for its preceding three fiscal years do not exceed $750,000.

[FR Doc.72–9341 Filed 6–20–72;8:50 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 916]

NECTARINES GROWN IN CALIFORNIA

Proposed Approval of Expenses and Fixing of Rate of Assessment for 1972–73 Fiscal Period

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

(1) That expenses that are reasonable and likely to be incurred by the Nectarine Administrative Committee, during the period March 1, 1972, through February 28, 1973, will amount to $328,334;

(2) The rate of assessment for such period, payable by each handler in accordance with § 916.41 to be fixed at $0.05 per No. 22D standard lug box, or equivalent quantity of nectarines in other containers or in bulk.

Terms used in the marketing agreement, as amended, and order, as amended, shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order, and "No. 22D standard lug box" shall have the same meaning as set forth in Section 43601 of the Agricultural Code of California.

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

Dated: June 15, 1972.

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

[FR Doc.72-9304 Filed 6-20-72;8:46 am]

[7 CFR Part 918]

FRESH PEACHES GROWN IN GEORGIA

Proposed Expenses and Fixing of Rate of Assessment for 1972–73 Fiscal Period

Consideration is being given to the following proposals which were submitted by the Industry Committee, established under the marketing agreement, as amended, and Order No. 918, as amended (7 CFR Part 918), regulating the handling of fresh peaches grown in the State of Georgia, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That expenses that are reasonable and necessary to be incurred by the Industry Committee during the period March 1, 1972, through February 28, 1973, will amount to $14,681.25.

(2) That rate of assessment for said period, payable by each handler in accordance with § 918.41, is fixed at $0.01 per bushel basket of peaches (net weight of 48 pounds), or an equivalent of peaches in other containers or in bulk.

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

Dated: June 15, 1972.

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

[FR Doc.72-9305 Filed 6-20-72;8:46 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 72-113P]

FORT CASWELL BRIDGE, N.C.

Proposed Drawbridge Operation Regulations

The Coast Guard is considering amending the regulations for the Pontoon (Fort Caswell) bridge across the Atlantic Intracoastal Waterway at Mile 311.8 to permit a closed period during the summer peak vehicular periods. The draw is presently required to open on signal. This pontoon bridge replaced a swing bridge that was destroyed on September 7, 1971. The North Carolina State Highway Commission is currently preparing plans for a proposed high level fixed bridge as a permanent replacement for the destroyed bridge. This change is being considered to provide a better flow for peak vehicular traffic to and from the beach areas east of this pontoon bridge.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (OAN), Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, VA 23705. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Fifth Coast Guard District.

The Commander, Fifth Coast Guard District, will forward any comments received before July 25, 1972, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by adding § 117.356 immediately after § 117.355 to read as follows:

§ 117.356 AIWW, Mile 311.8, Fort Caswell Bridge near Yaupon, N.C.

(a) The draw shall open on signal, except that from June 15 through Labor Day on Saturdays and Sundays and on Independence Day the draw need not open for the passage of vessels from 1 p.m. to 7 p.m., local time, except at 3 p.m. and 5 p.m. when the draw shall open to allow all accumulated vessels to pass

(b) The drawspan shall open at all times promptly on signal for the passage of towboats with tows, freight boats, public vessels of the United States, and any vessel in an emergency involving danger to life or property. Such vessels shall sound four blasts of a whistle, horn or similar device.

(c) The owner of or agency controlling the bridge shall erect and maintain, on both sides of the bridge, signs acceptable to the District Commander setting forth the regulations in this section.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Dated: June 15, 1972.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.72-9319 Filed 6-20-72;8:47 am]

[33 CFR Part 117]

[CGD 72-112P]

ORTEGA RIVER, FLA.

Proposed Drawbridge Operation Regulations

The Coast Guard is considering amending the regulations for the Florida State Road 211 bridge across the Ortega River to permit closed periods during peak vehicular traffic periods in the morning and evening on weekdays. The draw is presently required to open on signal at any time. The Roosevelt Boulevard bridge has been removed and reference to this bridge should be deleted.

Interested persons may participate in this proposed rule making by submitting

written data, views, or arguments to the Commander (oan), Seventh Coast Guard District, Room 1018, Federal Building, 51 Southwest First Avenue, Miami, FL 33130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Seventh Coast Guard District.

The Commander, Seventh Coast Guard District, will forward any comments received before July 25, 1972, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by adding a new § 117.431 immediately after § 117.430a to read as follows:

§ 117.431 Ortega River, Fla.

(a) *State Road 211 (Grand Avenue) bridge.* (1) The draw shall open on signal except that from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m., Monday through Friday except legal holidays the draw need not open except as provided for in subparagraph (2) of this paragraph.

(2) The draw shall open at any time for the passage of public vessels of the United States, State, or local vessels used for public service, tugs with tows, and vessels in distress. The opening signal from these vessels is four blasts of a whistle or horn or by shouting.

(3) The owner of or agency controlling this bridge shall conspicuously post notices containing the substance of these regulations, both upstream and downstream, on the bridge or elsewhere, in such a manner that they can easily be read at all times from an approaching vessel.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Dated: June 15, 1972.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.72-9318 Filed 6-20-72;8:47 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 303]

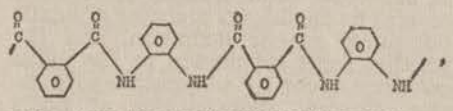
TEXTILE FIBER PRODUCTS IDENTIFICATION ACT

Proposed New Generic Name and Definition of Manufactured Fiber

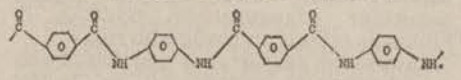
On September 17, 1971, E. I. du Pont de Nemours & Co., a domestic corporation with principal offices at Wilmington, Del. 19898, filed an application pursuant to § 1.15 of the procedures and rules of practice of the Federal Trade Commission (16 CFR 1.15) and the Textile Fiber Products Identification Act, 72 Stat. 1717, et seq., 79 Stat. 124, 15 U.S.C. § 70, et seq. (hereinafter referred to as Act), requesting that § 303.7 (Rule 7) of the rules and regulations under the Act [16 CFR 303.7), setting forth generic names and definitions of manufactured textile fibers, be amended (1) to add thereto a new generic name and definition to cover certain aromatic polyamide fibers of applicant and (2) to restrict the present nylon definition, paragraph (i) of 16 CFR 303.7 (Rule 7 under the Act), so as, at least, to exclude fibers which would fall within the proposed new generic class.

Chemical Composition of Applicant's Fiber. The specific aromatic polyamides upon which the application is based are essentially:

"Nomex" (name stated to be a registered trademark),



and a new tire cord called "Fiber B,"

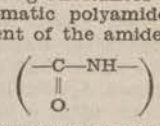


Applicant submitted samples of these fibers.

Reasons applicant's fibers should not be identified by one of the generic names established by the Commission in 16 CFR 303.7 (Rule 7 under the Act). Applicant recognizes that "Nomex" and "Fiber B" fall within the existing definition of nylon, paragraph (i) of 16 CFR 303.7 (Rule 7 under the Act), but states that they should not be so classified. In support of this position it submitted in its application analyses, tables, and chemical formula diagrams purporting to show that the differences between representative chemical formulas of aromatic polyamides as opposed to aliphatic polyamides (present common commercial nylons) are as great or greater than the differences between representative formulas of some other fiber generic classes; that physical property differences between aromatic and aliphatic polyamides are greater than those between existing generic classes; and that the manufacturing process for aromatic polyamides as compared with aliphatic polyamides employs different, more costly, and more rigorous methods. The application further purports to show that aromatic polyamides are exceptionally stable; that this stability provides important properties of benefit to consumers in apparel and household applications, including (1) high melting point, low flammability, and low production of pyrolysis off gases when exposed to flame, (2) good tenacity, modulus, and fabric integrity, particularly at elevated temperatures, and (3) inertness to moisture, including resistance to length change and wrinkling with changes in humidity; and that such stability has "made possible the manufacture of fibers having a truly unique combination of high strength, toughness, and stiffness at levels never before attained in nature or by industry with any material." "These properties," according to applicant, "eliminate 'flat spotting,' a characteristic that has severely limited the use of aliphatic polyamides in original equipment tires. They also are responsible for the superior performance of aromatic polyamides over polyester and rayon as belt fibers in radial design tires, a use for which aliphatic polyamides are entirely unsuitable."

Suggested names for consideration as generic, together with a proposed definition for the fiber. Applicant suggests the name "aromid" [or "aramid"] and the following definition for the proposed new generic class:

Aromid—A manufactured fiber in which the fiber-forming substances is a long chain synthetic aromatic polyamide in which at least 85 percent of the amide

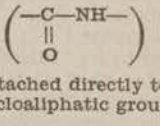


linkages are attached directly to two aromatic rings.

By way of explanation of the 85 percent figure in the above definition, applicant states that aromatic polyamides can be modified to a modest degree by copolymerization to add benefits of value to the consumer, but that "the chemical stability from which the high melting points, high modulus, strength retention, and high thermal resistance stem is excessively compromised if more than 15 percent of the amide linkages are attached to aliphatic groups."

Applicant recommends that the term "nylon" be retained for the aliphatic polyamides, but that the definition thereof be changed to describe the between-the-linkages part of the polymer, instead of just the linkages, thereby making the definition "conform more closely to the definitions of other fiber classes." It submits the following definition as one which would accomplish this and include all commercial and foreseeably commercial aliphatic type polyamide fibers:

Nylon—A manufactured fiber in which the fiber-forming substance is a long chain synthetic polyamide in which the amide



linkages are attached directly to one or more aliphatic or cycloaliphatic groups.

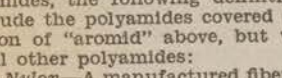
The application contains further suggestions and recommendations under this heading as follows:

While * * * [the above] definition covers all known and foreseeable aliphatic type polyamides, it does leave a small "no man's land" between it and the definition proposed for aromid fibers. It is possible that a fiber could be created with less than 85 percent of the amide linkages attached to two aromatic rings. We know of no such fiber and we do not believe such a fiber would have commercial utility. To be consistent with its past policy of dealing only with known or readily foreseeable commercial fibers in establishing generic classes, we think the Commission should ignore the bare possibility of future development of a fiber of commercial utility falling within this no man's land. Moreover, if one should be developed, we submit that the Commission should give full

consideration to that fiber in a rule-making proceeding before deciding in which generic category it should be placed. We therefore prefer this definition.

If, however, the Commission wishes to avoid even the remote possibility of a need for further rule making in respect to polyamides, the following definition would exclude the polyamides covered by the definition of "aromid" above, but would include all other polyamides:

Nylon—A manufactured fiber in which the fiber-forming substance is a long chain synthetic polyamide in which less than 85 percent of the amide



linkages are attached directly to two aromatic rings.

Earliest date on which the applicant proposes to market or handle the fiber in commerce for other than development or testing purposes. Applicant states that its "Nomex" fiber, after a long development period, became commercial in 1967, and has been sold under the designation "high temperature resistant nylon" for industrial protective clothing, race drivers uniforms, pajamas for veterans' hospital patients, and other specialized applications where high heat resistance is desirable. (Applicant notes that these sales were all to sophisticated buyers, largely on specification, who were not confused by the above-mentioned descriptive phrase.) Applicant further states that some mills and garment manufacturers have moved rapidly toward commercialization of children's sleepwear of "Nomex" and that garments of this type are being offered in the fall catalog of a major retail chain as nylon "with a descriptive of its high heat resistant properties." (Applicant notes that it had no choice but to use this descriptive phrase, which it regards as inadequate for selling to consumers, since the 1967 amendment to the Flammable Fabrics Act and promulgation of the Children's Sleepwear Standard (36 F.R. 14063, July 2, 1971) highly accelerated the schedule for movement of Nomex into apparel and home furnishings, despite its relatively high cost, and outpaced the timetable for application for a new generic name.)

With regard to its "Fiber B" tire cord, applicant states that it is approaching the experimental market introduction period, that rubber companies are now in development programs with this fiber, and that preparation of tires for mass trials is expected to begin within 3 months.

The application has been placed in the public record in this proceeding and is available for public inspection.

Pursuant to 16 CFR 303.8 (Rule 8 under the Act) the Commission assigned the symbol "DP-01" for optional temporary use in designating the subject aromatic polyamide fibers pending further consideration of the application.

The Commission is considering the application, including the following questions:

(1) Whether the subject fibers of the application should properly be designated by the generic name "nylon" set forth and defined in paragraph (i) of 16 CFR 303.7 (Rule 7 under the Act), and

(2) What, if any, amendment to the rules and regulations under the Act, particularly § 303.7 (Rule 7) thereof, may be necessary and proper with regard to matters raised in the application.

Should the Commission determine that some amendment of 16 CFR 303.7 (Rule 7 under the Act) is necessary, it will consider (not necessarily by way of limitation) (1) whether a new generic name and definition which would cover the subject fibers of the application should be added thereto and the nylon definition, paragraph (i) of such section (Rule), restricted so as to exclude such fibers, (2) whether amendment to § 303.7 (Rule 7) should be made concerning polyamide fibers of both aliphatic and aromatic content wherein the aromatic rings are in different percentage ranges or molecular configurations from those covered by applicant's proposed aromatic polyamide generic definition, and (3) whether some subdivision of the nylon category would be appropriate to indicate different subcategories of fibers therein based on concentrations and molecular configurations relating to aliphatic groups and aromatic rings.

Interested parties may participate by submitting in writing on or before August 21, 1972, their views, arguments, or other pertinent data to the Division of Textiles and Furs, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580.

This action is taken pursuant to section 7(c) of the Act, 72 Stat. 1721, 15 U.S.C. sec. 70e(c), in accordance with 5 U.S.C. sec. 553 and Subpart B of Part 1 of the Commission's procedures and rules of practice, 16 CFR 1.11, et seq.

Institution of this rule making proceeding is not to be construed as a determination by the Commission as to the merits of the application.

By direction of the Commission dated June 13, 1972.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-9237 Filed 6-20-72;8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Investment Opportunities; Proposed Liberalization

Notice is hereby given that pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, as amended (Act) 15 U.S.C. 687, it is proposed to amend, as set forth below, Part 107 of Subchapter B, Chapter I, Title 13 of the Code of Federal Regulations, revised as of January 1, 1972, and amended in 37 F.R. 3950, and 37 F.R. 8865, by amending § 107.1001(a). Prior to final adoption of such amendment, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in triplicate, to the Office of Associate Administrator for Operations and Investment, Small Business Administration (SBA), Washington, D.C. 20416, within a period of thirty (30) days of the date of publication of this notice in the FEDERAL REGISTER.

Information. The proposed amendment to § 107.1001(a) would permit Small Business Investment Companies (SBIC's) and Minority Enterprise Small Business Investment Companies (MESBIC's) to invest with certain exceptions (such as commercial banks, savings banks and agricultural credit companies) and to a limited extent in new security brokers, dealers, insurance companies, federally insured savings and loan associations, mortgage bankers, credit companies and other lenders, which qualify as small concerns under SBA Regulations and which are owned by socially or economically disadvantaged persons.

SBA expects that this liberalization would assist disadvantaged persons in starting and maintaining such small business concerns engaged in these financial activities. Service organizations performing related functions have always been eligible for SBIC program financing and their eligibility would not be affected by this amendment.

It is proposed that Part 107 be amended as follows:

§ 107.1001 **Prohibited uses of funds.**

No funds may be provided by a licensee for:

(a) *Relending, reinvesting, etc.* Relending or reinvesting by the small business concern, nor may funds be provided to a small business concern if the business activity of such concern involves directly or indirectly the investing, lending, or other providing of funds to others in exchange for an equity interest or monetary obligation, purchase or discounting of debt obligations, factoring, or long-term leasing of equipment with no provision for maintenance or repair: *Provided, however,* That, except for commercial banks, savings banks, agricultural credit companies, and savings and loan associations not insured by the Federal Savings and Loan Insurance Corporation, the foregoing prohibition shall not apply to Venture Capital financings (as defined in § 107.3) made to any small business concern, organized less than five (5) years before the date of financing, which is owned, or will be owned in accordance with § 107.812, by individuals whose participation in the free enterprise system is hampered by social or economic disadvantages: *And provided, further,* That, notwithstanding any other provision of these regulations, a licensee's outstanding financings to such small business concern(s) pursuant to the authorization of the foregoing proviso may not, without prior SBA approval in writing, exceed its private paid-in capital and paid-in surplus as of the close of any full fiscal year.

Dated: June 16, 1972.

THOMAS S. KLEPPE, *Administrator.*

[FR Doc.72-9388 Filed 6-20-72;8:51 am]

Notices

DEPARTMENT OF STATE

[Public Notice 359]

NOTICE OF PRESIDENTIAL DETERMINATION UNDER THE FOREIGN ASSISTANCE ACT

Pursuant to section 654(c) of the Foreign Assistance Act of 1961, as amended (86 Stat. 29), notice is hereby given that:

(1) On May 19, 1972, the President made a determination pursuant to section 614(a) of the Foreign Assistance Act of 1961, as amended (75 Stat. 444, 22 U.S.C. 2364(a)); and

(2) The President has concluded that publication of the said determination in the FEDERAL REGISTER would be harmful to the national security of the United States.

THEODORE L. ELIOT, Jr.,
Executive Secretary,
Department of State.

JUNE 13, 1972.

[FR Doc.72-9386 Filed 6-20-72;8:51 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

AREA DIRECTORS ET AL.

Delegations of Authority; Exceptions

MAY 9, 1972.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM2 (32 F.R. 13938).

This delegation is issued under the authority delegated to the Commissioner by the Secretary in section 25 of Secretarial Order 2508 (10 BIAM 2.1).

Section 3.3F(4)(a) of part 10 of the Bureau of Indian Affairs Manual (BIAM) was published on page 19772 of the December 17, 1969, FEDERAL REGISTER (34 F.R. 19772). Section 3.3F(4)(a) is being amended to allow the Portland Area Director to redelegate to superintendents authority to approve mortgages or deeds of trust of individually owned trust or restricted land.

10 BIAM 3.3F(4)(a) is hereby amended to read as follows:

3.3 Exceptions. The authorities redelegated in 3.1 above do not include the following:

* * * * *

F. Credit

* * * * *

(4) The redelegation of authority to superintendents for:

(a) Approval of mortgages or deeds of trust of individually owned trust or restricted land executed pursuant to 25 CFR 121.61 given to secure loans. The Billings and Portland Area Directors are excluded from this exception.

JOHN O. CROW,
Deputy Commissioner.

[FR Doc.72-9294 Filed 6-20-72;8:45 am]

Bureau of Land Management

[Colorado 16210]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 14, 1972.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. C-16210, for the withdrawal of the lands described below, from prospecting, location, and entry under the general mining laws only, subject to valid existing rights.

The applicant desires the lands for campground sites, electronic sites, a fire lookout, and a highway roadside zone.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Colorado State Office, 700 Colorado State Bank Building, 1600 Broadway, Denver, CO 80202.

The Department's regulations (43 CFR 2351.4(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other that the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

RIO GRANDE NATIONAL FOREST

Agua Ramon Electronic Site

T. 40 N., R. 3 E.,
Sec. 12, SW¼SE¼NE¼.

Grayback Mountain Electronic Site

T. 37 N., R. 4 E.,
Sec. 9, SW¼SE¼;
Sec. 16, N½NW¼NE¼, NW¼NE¼NE¼.

Ivy Creek Campground

T. 40 N., R. 1 W.,
Sec. 32, N½NE¼.

Ute Creek Trailhead

T. 40 N., R. 4 W.,
Sec. 5, lot 4;
Sec. 6, lot 1.
T. 41 N., R. 4 W.,
Sec. 31, lot 15;
Sec. 32, SW¼SW¼SW¼.

SAN JUAN NATIONAL FOREST

U.S. Highway 550 Travel Influence Zone

A strip of land 200 feet wide on each side of the U.S. Highway 550 centerline through the following described lands:

T. 41 N., R. 8 W. Protraction 24 B dated May 5, 1965,
Sec. 2, W½W½;
Sec. 3, E½E½;
Sec. 10, NE¼NE¼;
Sec. 11, NW¼, S½ except lands being withdrawn for Mineral Creek Campground Site;
Sec. 12, SW¼, SW¼SE¼;
Sec. 13, NE¼, NE¼NW¼.
T. 42 N., R. 8 W. Protraction 24 B dated May 5, 1965,
Sec. 14, The portion of SW¼NE¼ from Red Mountain Pass to the south line, E½SW¼, W½SE¼;
Sec. 22, SE¼SW¼, SE¼;
Sec. 23, NW¼, W½SW¼;
Sec. 27, NW¼NE¼, E½NW¼.

Also a strip of land 200 feet in width east of the centerline and 400 feet in width on the west side of the centerline of U.S. Highway 550 through the following described lands:

T. 42 N., R. 8 W.,
Sec. 26, W½W½;
Sec. 27, E½E½;
Sec. 34, E½E½;
Sec. 35, W½W½.

Excluding all or portions of mineral patents lying within these strips including M. S. 558 B, 559 B, 560 B, 570 B, 1496, 1523, 2486, 6792, 6794, 16099 A and B, 16677 A and B, 18179, 19335, and 20863, with an estimated acreage of 30 acres, and subject to other unperfected mining claims as may exist.

GRAND MESA-UNCOMPAHGRE NATIONAL FOREST

Antone Springs Campground

T. 47 N., R. 12 W.,
Sec. 15, E½E½SW¼SW¼, W½SE¼SW¼.

SAN JUAN NATIONAL FOREST

Deer Campground Site Addition

T. 40 N., R. 13 W.,
Sec. 24, W½SW¼SW¼.

Benchmark Lookout

T. 41 N., R. 15 W.,
Sec. 31, East 10 ch. lot 4, W½SE¼SW¼.

SIXTH PRINCIPAL MERIDIAN

GUNNISON NATIONAL FOREST

McClure Campground

T. 11 S., R. 89 W.,
Sec. 2, S½NW¼SW¼, SW¼SW¼;
Sec. 3, SE¼SE¼.
Less 10 acres, more or less, of State Highway 133 roadside zone previously withdrawn under Public Land Order 4579.

The areas described aggregate approximately 872.08 acres.

J. ELLIOTT HALL,
Chief,
Division of Technical Services.

[FR Doc.72-9347 Filed 6-20-72;8:50 am]

Office of the Secretary

[Order 2508, Amdt. 98]

COMMISSIONER OF INDIAN AFFAIRS

Delegation of Authority Regarding Specific Legislation

Section 30 of Order 2508, as amended, is further amended by the addition under paragraph (a) of a new subparagraph to read 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:

* * * * *

(54) The Act of December 15, 1971 (85 Stat. 625-626), which authorizes the sale of certain lands on the Kalispel Indian Reservation, and for other purposes.

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

JUNE 13, 1972.

[FR Doc.72-9295 Filed 6-20-72;8:45 am]

[INT DES 72-68]

POJOAQUE UNIT, SAN JUAN-CHAMA PROJECT, COLORADO-NEW MEXICO

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement on a proposed water supply project designed to furnish a supplemental and regulated water supply to 2,768 acres of irrigable Indian and non-Indian lands near Pojoaque, N. Mex., and invites written comment within forty-five (45) days of this notice.

Copies are available for inspection at the following locations:

Office of Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343-4991.

Division of Engineering Support, Technical Services Branch, E&R Center, Denver Federal Center, Denver, Colo. 80225, Telephone (303) 234-3007.

Office of the Regional Director, Bureau of Reclamation, Herring Plaza, Box H-4377, Amarillo, TX 79101, Telephone (806) 376-2408.

Albuquerque Development Office, Bureau of Reclamation, Post Office Box 252, 500 Gold SW, Albuquerque, NM 87103, Telephone (505) 843-2272.

Single copies of the draft statement may be obtained on request to the Commissioner of Reclamation, Regional Director, or Albuquerque Planning Officer. In addition, copies may be purchased from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

Dated: June 14, 1972.

W. W. LYONS,
Deputy Assistant Secretary of the Interior.

[FR Doc.72-9302 Filed 6-20-72;8:46 am]

CIVIL ADMINISTRATION OF WAKE ISLAND

Termination of Agreement

CROSS REFERENCE: For a document relating to the termination of a joint agreement between the Departments of Transportation and Interior regarding the civil administration of Wake Island, see F.R. Doc. 72-9322, Department of Transportation, *infra.*

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ARIZONA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) and section 232 of the Disaster Relief Act of 1970 (Public Law 91-606), it has been determined that in the following counties in the State of Arizona natural disasters have caused a general need for agricultural credit:

COUNTIES

Apache.	Mohave.
Cochise.	Navajo.
Coconino.	Pima.
Gila.	Pinal.
Graham.	Santa Cruz.
Greenlee.	Yavapai.

Emergency loans will not be made in the above-named counties under this designation pursuant to applications received after June 30, 1973, except subsequent loans to qualified borrowers who received initial loans under this designation.

The urgency of the need for emergency loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 15th day of June 1972.

EARL L. BUTZ,
Secretary.

[FR Doc.72-9308 Filed 6-20-72;8:46 am]

NEW MEXICO

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) and section 232 of the Disaster Relief Act of 1970 (Public Law 91-606), it has been determined that in the following counties in the State of New Mexico natural disasters have caused a general need for agricultural credit:

COUNTIES

Bernalillo.	Mora.
Catron.	Otero.
Chaves.	Quay.
Colfax.	Rio Arriba.
Curry.	Roosevelt.
De Baca.	Sandoval.
Dona Ana.	San Juan.
Eddy.	San Miguel.
Grant.	Santa Fe.
Guadalupe.	Sierra.
Harding.	Socorro.
Hidalgo.	Taos.
Lea.	Torrance.
Lincoln.	Union.
Luna.	Valencia.
McKinley.	

Emergency loans will not be made in the above-named counties under this designation pursuant to applications received after June 30, 1973, except subsequent loans to qualified borrowers who received initial loans under this designation.

The urgency of the need for emergency loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 15th day of June 1972.

EARL L. BUTZ,
Secretary.

[FR Doc.72-9307 Filed 6-20-72;8:46 am]

OKLAHOMA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) and section 232 of the Disaster Relief Act of 1970 (Public Law 91-606), it has been determined that in the following counties in the State of Oklahoma natural disasters have caused a general need for agricultural credit:

COUNTIES

Alfalfa.
Beaver.
Beckham.
Blaine.
Caddo.
Canadian.
Cimarron.
Cleveland.
Comanche.
Cotton.
Custer.
Dewey.
Ellis.
Garfield.
Grady.
Grant.
Greer.
Harper.
Harmon.
Jackson.
Jefferson.
Kingfisher.
Kiowa.
Logan.
Major.
McClain.
Roger Mills.
Stephens.
Texas.
Tillman.
Washita.
Woods.
Woodward.

Emergency loans will not be made in the above-named counties under this designation pursuant to applications reposed rule making and invite public parsequent loans to qualified borrowers who received initial loans under this designation.

The urgency of the need for emergency loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 15th day of June 1972.

EARL L. BUTZ,
Secretary.

[FR Doc.72-9309 Filed 6-20-72;8:46 am]

TEXAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) and section 232 of the Disaster Relief Act of 1970 (Public Law 91-606), it has been determined that in the following counties in the State of Texas natural disasters have caused a general need for agricultural credit:

COUNTIES

Anderson.
Andrews.
Angelina.
Aransas.
Archer.
Armstrong.
Atascosa.
Austin.
Bailey.
Bandera.
Bastrop.
Baylor.
Bee.
Bell.
Bexar.
Blanco.
Borden.
Bosque.
Bowie.
Brazoria.
Brazos.
Brewster.
Briscoe.
Brooks.
Brown.
Burleson.
Burnet.
Caldwell.
Calhoun.
Callahan.
Cameron.
Carson.
Castro.
Chambers.
Cherokee.
Childress.
Clay.
Cochran.
Coke.
Coleman.
Collin.
Collingsworth.
Colorado.
Comal.
Comanche.
Concho.
Cooke.
Coryell.
Cottle.
Crane.
Crockett.
Crosby.
Culberson.
Dallam.
Dallas.
Dawson.

COUNTIES—Continued

Deaf Smith.
Delta.
Denton.
De Witt.
Dickens.
Dimmit.
Donley.
Duval.
Eastland.
Ector.
Edwards.
Ellis.
El Paso.
Erath.
Falls.
Fannin.
Fayette.
Fisher.
Floyd.
Foard.
Fort Bend.
Freestone.
Frio.
Gaines.
Galveston.
Garza.
Gillespie.
Glasscock.
Goliad.
Gonzales.
Gray.
Grayson.
Gregg.
Grimes.
Guadalupe.
Hale.
Hall.
Hamilton.
Hansford.
Hardeman.
Hardin.
Harris.
Hartley.
Haskell.
Hays.
Hemphill.
Henderson.
Hidalgo.
Hill.
Hockley.
Hood.
Hopkins.
Houston.
Howard.
Hudspeth.
Hunt.
Hutchinson.
Irion.
Jack.
Jackson.
Jasper.
Jeff Davis.
Jefferson.
Jim Hogg.
Jim Wells.
Johnson.
Jones.
Karnes.
Kaufman.
Kendall.
Kenedy.
Kent.
Kerr.
Kimble.
King.
Kinney.
Kleberg.
Knox.
Lamar.
Lamb.
Lampasas.
La Salle.
Lavaca.
Lee.
Leon.
Liberty.
Limestone.
Lipscomb.
Live Oak.
Llano.
Loving.
Lubbock.
Lynn.
McCulloch.
McLennan.
McMullen.
Madison.
Martin.
Mason.
Matagorda.
Maverick.
Medina.
Menard.
Midland.
Milam.
Mills.
Mitchell.
Montague.
Montgomery.
Moore.
Motley.
Nacogdoches.
Navarro.
Newton.
Nolan.
Nueces.
Ochiltree.
Oldham.
Orange.
Palo Pinto.
Parker.
Parmer.
Pecos.
Polk.
Potter.
Presidio.
Rains.
Randall.
Reagan.
Real.
Red River.
Reeves.
Refugio.
Roberts.
Robertson.
Rockwall.
Runnels.
Sabine.
San Augustine.
San Jacinto.
San Patricio.
San Saba.
Schleicher.
Scurry.
Shackelford.
Shelby.
Sherman.
Smith.
Somervell.
Starr.
Stephens.
Sterling.
Stonewall.
Sutton.
Swisher.
Tarrant.
Taylor.
Terrell.
Terry.
Throckmorton.
Tom Green.
Travis.
Trinity.
Tyler.
Upton.
Uvalde.
Val Verde.
Van Zandt.
Victoria.
Walker.
Waller.
Ward.
Washington.
Webb.
Wharton.
Wheeler.
Wichita.
Wilbarger.
Willacy.
Williamson.
Wilson.
Winkler.
Wise.
Yoakum.
Young.
Zapata.
Zavala.

Emergency loans will not be made in the above-named counties under this designation pursuant to applications received after June 30, 1973, except subsequent loans to qualified borrowers who received initial loans under this designation.

The urgency of the need for emergency loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 15th day of June 1972.

EARL L. BUTZ,
Secretary.

[FR Doc.72-9310 Filed 6-20-72;8:46 am]

Soil Conservation Service

PERIWINKLE CREEK FLOOD PREVENTION, RECREATION AND DRAINAGE PROJECT MEASURE, UPPER WILLAMETTE PROJECT, OREGON

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, Department of Agriculture has prepared a draft environmental statement for the Periwinkle Creek Flood Prevention, Recreation and Drainage Project Measure, USDA-SCS-ES(Adm) 72-RD-2(D).

The environmental statement concerns a plan for reducing streambank erosion, sediment deposition, flood damage, drainage problems, and water pollution in the Periwinkle Creek area, Linn County, Oreg. The planned works of improvement include conservation land treatment, supplemented by 13,200 feet of floodway, 17,000 feet of open channels, two ponds, and recreation facilities for water based recreation in two community parks.

This draft environmental statement was filed with CEQ on June 14, 1972.

Copies are available for inspection during regular working hours at the following locations:

USDA, Soil Conservation Service, Washington office, South Agriculture Building, Room 5105A, 12th Street and Independence Avenue SW., Washington, D.C. 20250.

USDA, Soil Conservation Service, Washington Building, 1218 Southwest Washington Street, Portland, Oreg. 97205.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151 for $3 each. Please refer to the name and number of statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Albert J. Webber, State Conservationist, Washington Building, 1218 Southwest Washington Street, Portland, Oreg. 97205.

Comments must be received within 30 days of the date of publication of this notice in order to be considered in the preparation of the final environmental statement.

KENNETH E. GRANT,
Administrator,
Soil Conservation Service.

JUNE 15, 1972.

[FR Doc.72-9312 Filed 6-20-72;8:47 am]

TOWN OF COUSHATTA FLOOD PREVENTION PROJECT MEASURE TWIN VALLEY PROJECT, LA.

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, Department of Agriculture has prepared a final environmental statement for the Town of Coushatta Flood Prevention Project Measure, USDA–SCS–ES (Adm) 72–RD–1(F).

The environmental statement concerns plans for reducing floodwater damages in and nea rthe Town of Coushatta, Red River Parish, La. Wetland habitat for fish and waterfowl will be created on 200 acres. About 7.6 miles of flood prevention channel work will be required. A significant part of that work will be appurtenant structures and erosion control devices which will be installed for water control and protection of the channels.

The final environmental statement was filed with CEQ on June 14, 1972.

Copies are available for inspection during regular working hours at the following locations:

USDA, Soil Conservation Service, Washington office, South Agriculture Building, Room 5105A, 12th Street and Independence Avenue SW., Washington, D.C. 20250.

USDA, Soil Conservation Service, 3737 Government Street, Post Office Box 1630, Alexandria, LA 71301.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151 for $3 each. Please refer to the name and number of statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

KENNETH E. GRANT,
Administrator,
Soil Conservation Service.

JUNE 15, 1972.

[FR Doc.72-9311 Filed 6-20-72;8:47 am]

DEPARTMENT OF COMMERCE

National Bureau of Standards

VOLUNTARY PRODUCT STANDARDS

Notice of Intent To Withdraw Certain Standards

In accordance with § 10.12 of the Department of Commerce Procedures for the Development of Voluntary Product Standards (15 CFR Part 10, as revised, 35 F.R. 8349 dated May 28, 1970), notice is hereby given of the Department's intent to withdraw the 62 standards identified below. It has been tentatively determined that each of these Commercial Standards (CS) and Simplified Practice Recommendations (SPR) are obsolete, no longer technically adequate, no longer generally acceptable to and used by the industry, inconsistent with established policy, or otherwise inappropriate, and revision is not feasible or would serve no useful purpose.

CS 14–51 Boys' Sport and Dress Shirt (Woven Fabrics) Size Measurements.
CS 33–43 Knit Underwear (Exclusive of Rayon).
CS 56–60 Strip Oak Flooring.
CS 70–41 Phenolic Disinfectant (Emulsifying Type).
CS 71–41 Phenolic Disinfectant (Soluble Type).
CS 90–58 Power Cranes and Shovels.
CS 101–63 Flue-Connected Oil-Burning Space Heaters and Recessed Heaters with Vaporizing Pot-Type Burners.
CS 104–63 Warm-Air Furnaces Equipped with Vaporizing-Type Oil Burners.
CS 106–57 Boys' Pajama Sizes (Woven Fabrics).
CS 109–44 Solid-Fuel-Burning Forced-Air Furnaces.
CS 111–43 Earthenware (Vitreous-Glazed) Plumbing Fixtures.
CS 113–63 Oil-Burning Floor Furnaces Equipped with Vaporizing Pot-Type Burners.
CS 128–52 Men's Sport Shirt Sizes-Woven Fabrics (Other than Those Marked with Regular Neckband Sizes).
CS 129–47 Materials for Safety Wearing Apparel.
CS 131–46 Industrial Mineral Wool Products, All Types—Testing and Reporting.
CS 134–46 Cast Aluminum Cooking Utensils (Metal Composition).
CS 135–46 Men's Shirt Sizes (Exclusive of Work Shirts).
CS 145–47 Testing and Rating Hand-Fired Hot Water Supply Boilers.
CS 152–48 Copper Naphthenate Wood Preservative (Spray, Brush, Dip Applications).
CS 158–49 Model Forms for Girls' Apparel.
CS 165–50 Zinc Naphthenate Wood Preservative (Spray, Brush, Dip Applications).
CS 174–41 140-F Drycleaning Solvent.
CS 177–62 Bituminous-Coated Metal Septic Tanks (Residential).
CS 178–51 Testing and Rating Ventilating Fans (Axial and Propeller Types).
CS 180–52 Model Forms for Boys' Apparel.
CS 183–51 Boys' Trouser Size Measurements.
CS 185–52 Wool Felt.
CS 186–52 Boys' Sport Outerwear Size Measurements.
CS 195–60 Warm-Air Furnace Burner Units Equipped with Pressure-Atomizing or Rotary Type Oil Burners.
CS 196–55 Model Forms for Toddlers' and Children's Apparel.
CS 198–55 Infants', Children's, Girls' and Boys' Knit Underwear (Exclusive of Rayon, Acetate, and Nylon).
CS 216–58 Asphalt Insulating Siding.
CS 235–61 Pressure Treated Wood Fence Posts (With Oil-Type Preservatives).
CS 249–62 Pressure-Treated Douglas Fir Marine Piles.
CS 250–62 Pressure-Treated Southern Pine Marine Piles.
CS 271–65 Grading of Abrasive Grain for Grinding Wheels.
SPR 17–47 Heavy Forged Hand Tools.
SPR 44–19 Boxboard Thicknesses.
SPR 60–55 Machine, Carriage and Lag Bolts, and Nuts (Case Quantity and Gross Weight).
SPR 72–27 Solid Section Steel Windows.
SPR 77–45 Hickory Handles.
SPR 100–47 Welded Chain.
SPR 125–31 Waxed Tissue Paper.
SPR 130–32 Flax and Hemp Twine.
SPR 147–42 Wire Diameters for Mineral Aggregate Production Screens.
SPR 157–50 Steel Firebox Boilers and Steel Heating Boilers (Commercial and Residential).
SPR 163–48 Coarse Aggregates (Crushed Stone, Gravel, and Slag).
SPR 168–37 Braided Shoe Laces.
SPR 180–41 Copper Conductors for Building Purposes.
SPR 183–46 Brass or Bronze Valves (Gate, Globe, Angle, and Check).
SPR 184–47 Iron Valves (Gate, Globe, Angle, and Check).
SPR 185–47 Pipe Fittings (Gray Cast-Iron, Malleable Iron, and Brass or Bronze).
SPR 190–42 Stove Pipe and Accessories.
SPR 198–50 Wire Rope.
SPR 207–60 Pipes, Ducts, and Fittings for Warm Air Heating and Air-Conditioning Systems.
SPR 214–55 Metal-Cutting Band Saws (Hard Edge Flexible Back).
SPR 220–46 Open-End and Box Wrenches.
SPR 227–47 Plumbing Fixture Fittings and Trim for Housing.
SPR 229–63 Vises (Machinists' and Other Bench-Mounted Vises).
SPR 238–50 Convectors.
SPR 245–51 Weldless Chain and Chain Products.
SPR 259–56 Hexagon-Head Cap Screws (Case Quantity and Gross Weight).

Any comments or objections concerning the intended withdrawal of any of these standards should be made in writing and directed to the Office of Engineering Standards Services, National Bureau of Standards, Washington, D.C. 20234, within 45 days of the publication of this notice. The effective date of with-

drawal, where appropriate, will be not less than 60 days after the final notice of withdrawal. Withdrawal action terminates the authority to refer to a published standard as a voluntary standard developed under the Department of Commerce procedures, from the effective date of the withdrawal.

Dated: June 16, 1972.

LAWRENCE M. KUSHNER,
Acting Director.

[FR Doc.72-9362 Filed 6-20-72;8:51 am]

Office of the Secretary

[Dept. Org. Order 10-8, Amdt. 3]

ASSISTANT SECRETARY FOR MARITIME AFFAIRS

Delegations of Authority

MAY 19, 1972.

This material effective May 19, 1972, further amends the material appearing at 36 F.R. 1223 of January 26, 1971, 36 F.R. 5921 of March 31, 1971, and 36 F.R. 16701 of August 25, 1971.

Department Organization Order 10-8, effective October 21, 1970, is hereby further amended as follows:

SEC. 3. *Delegations of authority to the Assistant Secretary.* Subparagraph .01i. is amended to read:

i. The Suits in Admiralty Act (1920), as amended (46 U.S.C. 741 et seq.), except in relation to the arbitration, compromise or settlement of any claim in the amount of $5,000 or less involving a vessel operated by the National Oceanic and Atmospheric Administration.

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary for Administration.

[FR Doc.72-9313 Filed 6-20-72;8:47 am]

[Dept. Org. Order 25-5A]

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Delegation of Authority Regarding Functions

This order effective May 19, 1972, supersedes the material appearing at 35 F.R. 16600 of October 24, 1970, 36 F.R. 8065 of April 29, 1971, 36 F.R. 16701 of August 25, 1971, and 37 F.R. 5402 of March 15, 1972.

SECTION 1. *Purpose.* This order delegates authority to the Administrator of the National Oceanic and Atmospheric Administration (NOAA) and prescribes the functions of NOAA. This revision delegates certain functions relating to Maritime claims (subparagraph 3.01u) to the Administrator.

SEC. 2. *Status and line of authority.* .01 NOAA, established by Reorganization Plan No. 4 of 1970, effective October 3, 1970, is continued as a primary operating unit of the Department of Commerce.

.02 As provided by Reorganization Plan No. 4 of 1970:

a. The Administrator of NOAA, who is appointed by the President by and with the advice and consent of the Senate, shall be the head of NOAA.

b. The Deputy Administrator of NOAA, who is appointed by the President by and with the advice and consent of the Senate, shall perform such functions as the Administrator shall from time to time assign or delegate, and shall act as Administrator during the absence or disability of the Administrator or in the event of a vacancy in the office of the Administrator.

c. The Associate Administrator of NOAA, who is appointed by the President by and with the advice and consent of the Senate, shall perform such functions as the Administrator shall from time to time assign or delegate, and shall act as Administrator during the absence or disability of the Administrator and Deputy Administrator.

.03 The Administrator shall report and be responsible to the Secretary of Commerce.

SEC. 3. *Delegation of authority.* .01 Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 4 of 1970, Executive Order 11564 of October 6, 1970, and otherwise by law, the Administrator is hereby delegated authority to perform the following functions vested in the Secretary of Commerce:

a. The functions in title 15, chapter 9 and in title 49, section 1463, of the United States Code, which relate to the provision of weather services.

b. The functions relating to weather in title 49, chapter 15 of the United States Code, which pertain to international aviation facilities.

c. The functions in 15 U.S.C. 272(f)(12), which relate to the transmission of radio waves, as applicable to the functions assigned herein.

d. The functions in title 33, chapter 17, United States Code, which pertain to commissioned officers, surveys and related matters.

e. The functions in section 901(3) (a) and (b) of Executive Order 11490 and the functions of Executive Order 10480, as amended, with respect to the production and processing of fishery commodities or products as may be delegated by the Secretary of Agriculture to the Secretary of Commerce, which relate to emergency preparedness and defense mobilization.

f. The functions in sections 3 and 4 of Bureau of the Budget Circular No. A-62 of November 13, 1963, which pertain to the coordination of Federal meteorological services and supporting research.

g. The functions in sections 3b and 4 of Bureau of the Budget Circular No. A-16 of May 6, 1967, which pertain to the establishment and maintenance of the National Networks of Geodetic Control, and to the development and execution of a coordinated national program of geodetic surveys.

h. The functions in the President's memorandum of July 5, 1968, issued in accord with Senate concurrent resolution 67 of May 29, 1968, furthering participation in and support of the World Weather Program by the United States. The plan to be developed annually for submission by the President to Congress on the proposed participation by Federal agencies shall be prepared for transmittal to the President by the Secretary.

i. The functions in 42 U.S.C. 1891-3 which pertain to making grants for the support of basic scientific research.

j. The function of conducting, or arranging the conduct of, studies, collection of basic data, and the performance of reviews concerned with water and related land resources planning as required of the Department of Commerce by the Water Resources Council (42 U.S.C. 1962a) on matters within the statutory responsibility of the Secretary of Commerce.

k. The functions transferred to the Secretary of Commerce in section 1 of Reorganization Plan No. 4 of 1970. These functions are:

(a) All functions vested by law in the Bureau of Commerce Fisheries of the Department of the Interior or in its head, together with all functions vested by law in the Secretary of the Interior or the Department of the Interior which are administered through that Bureau or are primarily related to the Bureau, exclusive of functions with respect to (1) Great Lakes fishery research and activities related to the Great Lakes Fisheries Commission, (2) Missouri River Reservoir research, (3) the Gulf Breeze Biological Laboratory of the said Bureau of Gulf Breeze, Fla., and (4) Trans-Alaska pipeline investigations.

(b) The functions vested in the Secretary of the Interior by the Act of September 22, 1959 (Public Law 86-359, 73 Stat. 642, 16 U.S.C. 760e-760g; relating to migratory marine species of game fish).

(c) The functions vested by law in the Secretary of the Interior, or in the Department of the Interior or in any officer or instrumentality of that Department, which are administered through the Marine Minerals Technology Center of the Bureau of Mines.

(d) All functions vested in the National Science Foundation by the National Sea Grant College and Program Act of 1966 (80 Stat. 99), as amended (33 U.S.C. 1121 et seq.).

(e) Those functions vested in the Secretary of Defense or in any officer, employee, or organizational entity of the Department of Defense by the provision of Public Law 91-144, 83 Stat. 326, under the heading "Operation and maintenance, general" with respect to "surveys and charting of northern and northwestern lakes and connecting waters," or by other law, which come under the mission assigned as of July 1, 1969, to the U.S. Army Engineer District, Lake Survey, Corps of Engineers, Department of the Army and relate to (1) the conduct of hydrographic surveys of the Great Lakes and their outflow rivers, Lake Champlain, New York State Barge Canals, and the Minnesota-Ontario border lakes, and

the compilation and publication of navigation charts, including recreational aspects, and the Great Lakes Pilot for the benefit and use of the public, (2) the conception, planning, and conduct of basic research and development in the fields of water motion, water characteristics, water quantity, and ice and snow, and (3) the publication of data and the results of research projects in forms useful to the Corps of Engineers and the public, and the operation of a Regional Data Center for the collection, coordination, analysis, and the furnishing to interested agencies of data relating to water resources of the Great Lakes.

(f) So much of the functions of the transferor officers and agencies referred to in or affected by the foregoing provisions of this section as is incidental to or necessary for the performance by or under the Secretary of Commerce of the functions transferred by those provisions or relates primarily to those functions. The transfers to the Secretary of Commerce made by this section shall be deemed to include the transfer of authority, provided by law, to prescribe regulations relating primarily to the transferred functions.

l. The functions in title 37 of the United States Code with respect to pay and allowances for the Commissioned Officer Corps of NOAA established by section 4(d) of Reorganization Plan No. 4 of 1970.

m. The functions in 10 U.S.C. 1201–1203, 1210(f), 1211(b)(1), and 1401 relating to retirement or separation, for physical disability, of commissioned officers of NOAA.

n. The functions in the following sections of Executive Order 11022: section 1(a), (b), (c), (f), (g), (h), (i), (j), and (l); section 2(c); section 3; section 5; and section 6. These relate to the appointment, retirement, separation, and resignation of commissioned officers of NOAA, and to the employment of public vessels.

o. The functions in title II of the National Housing Act, as amended (12 U.S.C. 1715m), which pertain to mortgage insurance for commissioned officers to aid in the construction or purchase of homes.

p. The functions in 7 U.S.C. 450b and 2220, which relate to cooperation with outside sources and disposition of funds received.

q. The functions relating to the operation of (1) the National Oceanographic Instrumentation Center, (2) the National Oceanographic Data Center, and (3) the National Data Buoy Development Project, whose programs and activities were transferred to the Secretary of Commerce by Executive Order 11564.

r. The functions relating to (1) upper air observations taken on board ocean station vessels and at specific Pacific Trust Territories, and (2) hydroclimatic observations taken at stations located along U.S. rivers and the Great Lakes, which programs and activities were transferred to the Secretary of Commerce by Executive Order 11564.

s. The functions in section 607 of the Merchant Marine Act, 1936, as amended by the Merchant Marine Act of 1970 (46 U.S.C. 1177), which relate to capital construction funds for those owning or leasing vessels which are operated in the fisheries of the United States, including, but not limited to, the adoption of regulations, and the preparation and signing of all necessary forms or agreements.

t. The functions prescribed by Public Law 92–205 (85 Stat. 735), which pertain to collection, maintenance, and dissemination of information concerning weather modification activities.

u. The functions in 46 U.S.C. 749 (relating to the arbitration, compromise, or settlement of maritime claims) with regard to any claim in the amount of $5,000 or less involving a vessel operated by the Administration.

.02 The Administrator may exercise other authorities of the Secretary as applicable to performing the functions assigned in this order.

.03 The Administrator may delegate his authority to any employee of NOAA subject to such conditions in the exercise of such authority as he may prescribe.

SEC. 4. *Functions.* To insure the safety and welfare of the public, and to further the Nation's interests and activities with respect to the protection of public health against environmental pollution, the protection and management of the Nation's biological, mineral, and water resources, the maintenance of environmental quality, agriculture, fisheries, industry, transportation, communications, space exploration, national defense, and the preservation of the Nation's wilderness and recreation areas, NOAA shall perform the following functions:

a. Observe, collect, communicate, analyze, process, provide, and disseminate comprehensive data and information about the state of the upper and lower atmosphere, of the oceans and the resources thereof including those in the seabed, of marine and anadromous fish and related biological resources, of inland waters, of the earth, the sun, and the space environment;

b. Prepare and disseminate predictions of the future state of the environment and issue warnings of all severe hazards and extreme conditions of nature of all who may be affected;

c. Provide maps and charts of the oceans and inland waters for navigation, geophysical and other purposes, areonautical charts, and related publications and services;

d. Operate and maintain a system for the storage, retrieval, and dissemination of data relating to the state and resources of the oceans and inland waters including the seabed, and the state of the upper and lower atmosphere, of the earth, the sun, and the space environment;

e. Explore the feasibility of, develop the basis for, and undertake the modification and control of environmental phenomena;

f. Coordinate efforts pertinent to Federal agencies in support of national and international programs as may be assigned from time to time, such as Federal meteorological services and supporting research, World Weather Program, National Networks of Geodetic Control, Integrated Global Ocean Station System, and Marine Environmental Prediction, Mapping and Charting;

g. Administer a program of sea grant colleges and education, training and research in the fields of marine science, engineering, and related disciplines as provided in the Sea Grant College and Program Act of 1966, as amended;

h. Perform basic and applied research and develop technology relating to the state and utilization of resources of the oceans and inland waters including the seabed, the upper and lower atmosphere, the earth, the sun, and the space environment, as may be necessary or desirable to develop an understanding of the processes and phenomena involved;

i. Perform research and develop technology relating to the observation, communication, processing, correlation, analysis, dissemination, storage, retrieval, and use of environmental data as may be necessary or desirable to permit the Administration to discharge its responsibilities;

j. Acquire, analyze, and disseminate data and perform basic and applied research on electromagnetic waves, as relate to or are useful in performing other functions assigned herein; prepare and issue predictions of atmospheric, ionospheric, and solar conditions, and warnings of disturbances thereof; and acquire, analyze, and disseminate data and perform basic and applied research on the propagation of sound waves, and on interactions between sound waves and other phenomena;

k. Provide for administration of the Pribilof Islands; and assist the native inhabitants thereof and manage the fur seal herds of the North Pacific Ocean;

l. Perform economic studies, education, and other services related to management and utilization of marine and anadromous fisheries, administer grant-in-aid, fishery products inspection, financial and technical assistance, and other programs to conserve and develop fisheries resources and to foster and maintain a viable climate for industry to produce efficiently under competitive conditions;

m. Develop and implement policies on international fisheries including the negotiation and implementation of agreements, conventions, and treaties in that area; and enforce provisions of international treaties and agreements on fishing activities of U.S. nationals and perform surveillance of foreign fishing activities;

n. Participate in technical assistance programs for fishery development projects in foreign countries;

o. Develop technology and carry out scientific and engineering, data collection and analysis and other functions to assess, monitor, harvest, and utilize marine and anadromous fishery resources and their products; and

p. As a Department-wide responsibility, coordinate the requirements for and the management and use of radio frequencies by all organizations of Commerce.

Effective date: May 19, 1972.

GUY W. CHAMBERLIN, Jr.,
Acting Assistant Secretary for Administration.

[FR Doc.72-9328 Filed 6-20-72;8:48 am]

[Dept. Org. Order 20-1]

OFFICE OF ADMINISTRATIVE SERVICES

Organization and Functions

This order effective June 8, 1972 supersedes the material appearing at 33 F.R. 815 of January 23, 1968.

SECTION 1. *Purpose.* This order prescribes the functions and organization of the Office of Administrative Services.

SEC. 2. *Status and line of authority.* The Office of Administrative Services, a departmental office, shall be headed by a Director, who shall report and be responsible to the Assistant Secretary for Administration. The Deputy Director for Operations, provided for in section 5 below, shall perform the functions of the Director during the latter's absence.

SEC. 3. *Functions.* Pursuant to the authority vested in the Assistant Secretary for Administration by Department Organization Order 10-5 and subject to such policies and directives as the Assistant Secretary for Administration may prescribe, the Office of Administrative Services shall:

a. Have Department-wide staff responsibility for supply, library, space, motor vehicle, safety, telecommunications, mail, and forms management, as specified in section 5.

b. Perform procurement for all elements of the Department, except as otherwise provided in Department Administrative Order 208-2, "Procurement Authority."

c. Provide services in the functional areas enumerated in subparagraph a. above required by the Office of the Secretary and as relevant to elements of operating units located in the Main Commerce building.

d. Provide files management and records disposition management services for the Office of the Secretary and, as approved by the Assistant Secretary for Administration, for designated operating units headquartered in the Main Commerce building.

SEC. 4. *Specified authority.* In addition to the authority implicit in an essential to carrying out the functions assigned the Office and related to the exercise of such functions, the Director, Office of Administrative Services:

a. Has been expressly delegated certain procurement authority in Department Administrative Order 208-2; and

b. Is hereby designated Claims Officer and delegated the authority vested in the Assistant Secretary for Administration by Department Administrative Order 203-22 to settle and pay claims for damage to, or loss of personal property incident to his service, under the provisions of 31 U.S.C. 240-243, filed by an employee (or his duly authorized representative) of the Office of the Secretary.

SEC. 5. *Organization.* Under the direction and supervision of the Director, the functions of the Office shall be organized and carried out as provided below.

.01 The Deputy Director of Operations shall supervise the provision of administrative services to the Office of the Secretary and to operating units receiving administrative services directly from the Office, and shall perform such other duties as the Director may prescribe.

.02 The Deputy Director for Program Development shall be the Director's principal assistant for Department-wide policies, standards and procedures for functional areas, excepting supply management, assigned the Office of Administrative Services.

.03 The Materiel Management Staff shall exercise Department-wide staff responsibility for supply management, which consists of procurement and all activities related to the control, utilization and disposition of property. Also, the Staff shall take such actions as may be necssary (1) to determine and obtain compliance with Executive Order 11246 and related Executive orders pertaining to equal opportunity in employment; and (2) to set aside appropriate procurement needs for award to small business or minority enterprises as authorized by law.

.04 The Library Division shall provide library services for the Office of the Secretary and operating units located in the Main Commerce building, serve as a reference source for libraries of operating units, and exercise Department-wide staff responsibility for library management.

.05 The Procurement Division shall perform procurement for all elements of the Department except as determined under the provisions of Department Administrative Order 208-2.

.06 The Office and Vehicle Services Division shall provide the following services for the Office of the Secretary and elements of operating units in the Main Commerce building: telecommunications, mail and messenger services, travel arrangements, office machine repairs, receiving and shipping of material, and motor vehicle services.

.07 The Property and Records Division shall provide space management, labor services, and building liaison services with GSA for the Office of the Secretary and for elements of operating units in the Main Commerce building; and shall provide personal property, files, records dispositon, and forms management services for the Office of the Secretary and, as approved by the Assistant Secretary for Administration, for designated operating units headquartered in the Main Commerce building.

SEC. 6. *Department of Commerce Administrative Services Council.* There shall be a Department of Commerce Administrative Services Council, which shall consist of the Director, Office of Administrative Services, as Chairman, the Deputy Directors, and the chief administrative services officers of the primary operating units of the Department. The Council will meet on a call from the Chairman for the purpose of advising and assisting in the development of policy and programs for the maximum effectiveness of administrative services throughout the Department.

SEC. 7. *Effect on other orders.* This order supersedes Department Organization Order 20-1 (formerly DO 134-1) dated January 10, 1968.

Effective date: June 8, 1972.

GUY W. CHAMBERLIN, Jr.,
Acting Assistant Secretary for Administration.

[FR Doc.72-9329 Filed 6-20-72;8:48 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-494; NADAs 9525, etc.]

ELANCO PRODUCTS CO. ET AL.

Diethylstilbestrol; Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Animal Drug Applications

Substantial public interest has been raised about the continued approval of diethylstilbestrol for use as a growth-promotant for cattle and sheep. A Subcommittee of the Committee on Government Operations of the House of Representatives held extensive hearings on this matter during 1971. The Natural Resources Defense Council has filed a lawsuit to compel the Food and Drug Administration to withdraw approval of diethylstilbestrol. In December 1971 the Food and Drug Administration and the U.S. Department of Agriculture instituted a joint program to extend the withdrawal period for diethystilbestrol containing feeds from 2 days to 7 days and to require written certification of withdrawal (36 F.R. 23292, 24928). At the same time, a new and more sensitive method of detecting diethylstilbestrol was put into widespread use. Using this more sensitive method, the number of reported illegal residues of diethylstilbestrol in animal livers has increased rather than decreased.

In light of this increase in reported diethylstilbestrol residues the Commissioner of Food and Drugs is considering whether it is appropriate to withdraw approval of diethylstilbestrol, to institute new more effective restrictions to reduce illegal residues, or to take other action. The Commissioner has concluded that, prior to making a final decision as to the appropriate course of action to be taken, additional information is needed

from all segments of the public, including consumer organizations, the animal husbandry industry, the pharmaceutical industry, the academic community, members of Congress, and other governmental agencies and departments.

The Commissioner has concluded that the most appropriate forum for public consideration of this matter is a public hearing, to develop on the public record the information necessary for a conclusion as to the proper handling of this matter. Under section 512 of the Federal Food, Drug, and Cosmetic Act, an opportunity for a hearing on a proposal to withdraw approval of a new animal drug application is provided to the holder of the application. The Commissioner has discretion in permitting other interested individuals and organizations to participate in any subsequent hearing. Accordingly, the Commissioner has concluded that it would be appropriate to propose withdrawal of the approval of the new animal drug applications for diethylstilbestrol in order to utilize the hearing mechanism provided in the statute for this purpose.

The Commissioner has not yet concluded that withdrawal of approval for diethylstilbestrol is the appropriate course of action. Requests for a public hearing may be accompanied by proposals for additional and more effective restrictions on diethylstilbestrol that would obviate such withdrawal of approval. Alternative restrictions that could be considered include prohibition of use for human food of livers from animals receiving diethylstilbestrol, or requiring such livers to be tested prior to marketing, or requirements limiting the persons who may use the drug.

In the event that a hearing is held, the Commissioner will wish to obtain data and information from all interested persons with respect to such relevant matters as the current rate of illegal residues and ways in which this might be reduced, the potential effect upon the public health and safety of a low rate of illegal diethylstilbestrol residues, the likely effect on the environment of withdrawing approval of diethylstilbestrol, the availability of alternative growth-promotant drugs and their safety and effectiveness as compared with diethylstilbestrol, the need for growth-promotant drugs in the animal husbandry industry, differences or similarities between administration of diethylstilbestrol by feed or by implant with respect to the potential for residues, the accuracy and reliability of present detection methods for diethylstilbestrol, the potential availability of more sensitive detection methods for diethylstilbestrol and the likely result of their use, and any other relevant information.

Accordingly, notice is hereby given to the following listed holders of new animal drug applications that the Commissioner of Food and Drugs proposes to issue an order under section 512(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(e)) withdrawing approval of the following listed new animal drug applications which provide for use of diethylstilbestrol as a growth promotant for cattle and sheep:

Elanco Products Co., Post Office Box 750, Indianapolis, IN 46206. NAD Nos. 9525, 11090, 42162.

Pfizer, Inc., New York, N.Y. 10017. NADA Nos. 9757, 9783, 11356, 9770.

Walnut Grove Products, Division of W. R. Grace Co., Atlantic, Iowa 50022. NADA No. 10132.

Dawes Laboratories, Chicago, Ill. 60632. NADA Nos. 10421, 11485, 34916.

Simonsen Manufacturing Co., Quimby, Iowa 51049. NAD No. 10566.

Vineland Laboratories, Inc., Subsidiary of Damon, Vineland, N.J. 08360. NADA No. 10964.

Hess & Clark, Division of Rhodia, Inc., Ashland, Ohio 44805. NADA Nos. 11295, 12553, 44344, 45982, 45981.

Peter Hand Foundation, Inc., Waukegan, Ill. 60085. NADA No. 14773.

O. M. Franklin Serum Co., Denver, Colo. 80216. NADA No. 15274.

Fort Dodge Laboratories, Fort Dodge, Iowa 50501. NADA No. 31446.

Thompson-Hayward Chemical Co., Kansas City, Kans. 66106. NADA Nos. 35019, 35017.

Feed Additives, Inc., Fremont, Nebr. 68025. NADA Nos. 36313, 37869.

Dale Alley Co., St. Joseph, Mo., 64501. NADA Nos. 36671, 36554.

Standard Chemical Manufacturing Co., Omaha, Nebr. 68103. NADA Nos. 36976, 34735.

National Oats Co., East St. Louis, Ill. 62205. NADA Nos. 37148, 37541.

Texas Nutrition & Service Co., Fort Worth, Tex. 76108. NADA Nos. 38507, 38510, 39509.

Bresley-Koelling, Inc., Ord, Nebr. 68862. NADA No. 39491.

Feed Products, Inc., Denver, Colo. 80211. NADA Nos. 39716, 39718, 39717, 39715.

Merck Sharp & Dohme Research Laboratories, Division of Merck & Co., Inc., Rahway, N.J. 07065. NADA Nos. 39772, 42840, 10261.

Chemetron Corp., Chicago, Ill. 60611. NADA No. 42355.

Farmland Industries, Kansas City, Mo. 64116. NADA No. 42702.

Western Farmers Association, Seattle, Wash. 98111. NADA No. 44526.

E. R. Squibb & Sons, New Brunswick, N.J. 08902. NADA No. 11365.

Western Feed Supplements, Ellensburg, Wash. 98926. NADA No. 40014.

Ultra Life Laboratories, Inc., East St. Louis, Ill. 62201. NADA No. 38682.

Square Deal Fortification Co, Kouts, Ind. 46347. NADA No. 39161.

Falstaff Brewing Corp., St. Louis, Mo. 63166. NADA No. 44795.

Feed Products, Inc., Denver, Colo. 80211. NADA No. 39715.

American Cyanamid Co., Princeton, N.J. 08540. NADA No. 10258.

S. B. Penick Co., New York, N.Y. 10008. NADA No. 36479.

The Commissioner, based on an evaluation of new information before him with respect to such drugs together with the evidence available to him when the applications were approved, concludes that there is a question as to whether the drugs are shown to be safe under the conditions of use upon the basis of which the applications were approved.

Information available to the Commissioner establishes that use of such drugs has resulted in illegal residues of diethylstilbestrol in animal livers.

In accordance with the provisions of section 512 of the act (21 U.S.C. 360b), the Commissioner hereby gives the applicants an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of the above listed new animal drug applications should not be withdrawn. Promulgation of the proposed order would cause any such drug containing diethylstilbestrol to be a new animal drug for which no approved new animal drug application is in effect. Any such drug or any animal feed bearing or containing such drug then on the market would be subject to regulatory proceedings.

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, Food, Drug, and Product Safety Division, 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. Interested persons who are not parties may intervene to present evidence and file pleadings, and may cross-examine witnesses when in the judgment of the hearing examiner their interests are not adequately protected otherwise or it is required for a full and true disclosure of the facts.

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 Commissioner's proposal. 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 the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the applications, 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.

Responses to this notice may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

Pending consideration of responses to this notice, no action will be taken on the notice of opportunity for hearing pertaining to diethylstilbestrol liquid premixes, published in the FEDERAL REGISTER for March 11, 1972 (37 F.R. 5264). Both notices will be acted upon at the same time.

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 authority delegated to the Commissioner (21 CFR 2.120).

Dated: June 16, 1972.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.72-9346 Filed 6-20-72;8:50 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D–72–184]

ASSISTANT SECRETARY FOR EQUAL OPPORTUNITY

Delegation of Authority

SECTION A. *Delegation of authority.* The Assistant Secretary for Equal Opportunity and the Deputy Assistant Secretary for Equal Opportunity, each is authorized to exercise the power and authority of the Secretary of Housing and Urban Development with respect to Executive Order 11063, dated November 20, 1962 (27 F.R. 11527): *Provided,* That no sanction under section 302 (a), (b), and (c) shall be applied without the concurrence of the Secretary: *And provided further,* That violations shall be referred to the Attorney General for civil or criminal action under section 303 by the General Counsel.

SEC. B. *Authority to redelegate.* The Assistant Secretary and the Deputy Assistant Secretary for Equal Opportunity, each is authorized to redelegate to employees of the Department the authority delegated in section A, except the authority to issue rules and regulations pursuant to section 203 of the Executive Order.

(Sec. 7(d), 79 Stat. 670; 42 U.S.C. 3535(d))

Effective date. This delegation is effective upon publication in the FEDERAL REGISTER (6–21–72).

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[FR Doc.72-9293 Filed 6-20-72;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 72–107N]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the Outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from April 17, 1972, to May 3, 1972 (List No. 13–72). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner canceled or suspended by proper authority.

GAS MASKS, SELF-CONTAINED BREATHING APPARATUS, AND SUPPLIED-AIR RESPIRATORS, FOR MERCHANT VESSELS

Approval No. 160.011/31/0, M–S–A Chemox One-Half Hour Self-Contained Oxygen-Generating Breathing Apparatus, with or without quick start cartridge, Bureau of Mines Approval No. 13D–13, dwg. No. A–84600, Rev. 11 dated January 26, 1965, manufactured by Mine Safety Appliances Co., 201 North Braddock Avenue, Pittsburgh, PA 15208, effective May 2, 1972. (It is an extension of Approval No. 160.011/31/0 dated June 1, 1967.)

Approval No. 160.011/33/0, M–S–A, Chemox One-Hour Self-Contained Oxygen-Generating Breathing Apparatus, Bureau of Mines Approval No. 1307, dwg. No. A–87500, Rev. 8 dated August 3, 1966, manufactured by Mine Safety Appliances Co., 201 North Braddock Avenue, Pittsburgh, PA 15208, effective May 2, 1972. (It is an extension of Approval No. 160.011/33/0 dated June 1, 1967.)

MECHANICAL DISENGAGING APPARATUS, LIFEBOAT, FOR MERCHANT VESSELS

Approval No. 160.033/28/6, Rottmer type, size 299 releasing gear, approved for maximum working load of 15,720 pounds per set (7,860 pounds per hook), identified by arrangement dwg. No. WBA 7005, dated March 8, 1972, formerly manufactured by Welin Davit and Boat Division of Continental Copper and Steel Industries, Inc., and Lane Lifeboat Division of Lane Marine Technology, Inc., manufactured by Welin Davit & Boat Division, Lake Shore, Inc., Iron Mountain, Mich. 49801, effective April 21, 1972. (It supersedes Approval No. 160.033/28/5 dated October 29, 1970, to show change of name and address of manufacturer.)

HAND PROPELLING GEAR, LIFEBOATS, FOR MERCHANT VESSELS

Approval No. 160.034/15/2, Type WSG–1, hand-propelling gear identified by general arrangement dwg. No. 80139, Rev. C dated June 29, 1964, formerly manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., and Lane Lifeboat Division of Lane Marine Technology, Inc., manufactured by Welin Davit & Boat Division, Lake Shore, Inc., Iron Mountain, Mich. 49801, effective April 21, 1972. (It supersedes Approval No. 160.034/15/1 dated November 3, 1970, to show change of name and address of manufacturer.)

LIFEBOATS

Approval No. 160.035/85/2, 12.0′ x 4.4′ x 1.9′ steel, oar-propelled lifeboat, four-person capacity, identified by general arrangement dwg. No. 49R 1213 dated August 16, 1951, and revised March 1, 1967, 46 CFR 160.035–13(c) Marking, Weights: Condition "A"=640 pounds; Condition "B"=1,396 pounds, approved for use on vessels in bays, sounds, and lakes; and rivers, approved for six-person capacity as replacement lifeboat, if mechanical disengaging apparatus is installed, it shall be of an approved type and installed in accordance with drawings approved by the Commandant, manufactured by Lane Lifeboat Division of Lane Marine Technology, Inc., 150 Sullivan Street, Brooklyn, NY 11231, effective May 3, 1972. (It supersedes Approval No. 160.035/85/2 dated March 13, 1967, to show change of name of manufacturer.)

Approval No. 160.035/87/3, 14.0′ x 5.0′ x 2.17′ steel, oar-propelled lifeboat, six-person* capacity, identified by general arrangement and construction dwg. No. 49R–1412, dated August 20, 1950, revised December 3, 1966, 46 CFR 160.035–13(c) Marking, Weights: Condition "A"=805 pounds; Condition "B"=2,498 pounds, approved for use on vessels in Great Lakes, bays, sounds, and lakes, and river service, as well as for use on certain coastwise tank barges, if mechanical disengaging apparatus is fitted, it shall be of an approved type and the installation in this particular lifeboat shall be approved by the Commandant,* approved for nine-person capacity for replacement lifeboats, manufactured by Lane Lifeboat Division of Lane Marine Technol-

ogy, Inc., 150 Sullivan Street, Brooklyn, NY 11231, effective April 17, 1972. (It supersedes Approval No. 160.035/87/3 dated January 9, 1967, to show change of name of manufacturer.)

Approval No. 160.035/280/4, 26.0′ x 9.0′ x 3.83′ aluminum, oar-propelled lifeboat, 53-person capacity, identified by construction and arrangement dwg. No. 26–8, Rev. E dated February 23, 1972, 46 CFR 160.035–13(c) Marking, Weights: Condition "A"=2,740 pounds; Condition "B"=12,522 pounds, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, NJ 07727, effective May 3, 1972. (It supersedes Approval No. 160.035/280/3 dated March 27, 1967, to show change in construction and address.)

Approval No. 160.035/348/1, 12.0′ x 4.4′ x 1.9′ aluminum, oar-propelled lifeboat, four-person capacity, identified by general arrangement dwg. No. 52–1217 dated December 17, 1952, and revised April 10, 1967, 46 CFR 160.035–13(c) Marking, Weights: Condition "A"=376 pounds; Condition "B"=1,112 pounds, approved for use on vessels in bays, sounds, and lakes; and rivers, approved for 6-person capacity as replacement lifeboat, if mechanical disengaging apparatus is installed, it shall be of an approved type and installed in accordance with drawings approved by the Commandant, manufactured by Lane Lifeboat Division of Lane Marine Technology, Inc., 150 Sullivan Street, Brooklyn, NY 11231, effective May 3, 1972. (It supersedes Approval No. 160.035/348/1 dated April 10, 1967, to show change of name of manufacturer.)

Approval No. 160.035/413/1, 24.0′ x 8.0′ x 3.5′ steel, hand-propelled lifeboat, 40-person capacity, identified by general arrangement and construction dwg. No. 53–2446 dated October 6, 1953, and revised January 30, 1967, 46 CFR 160.035–13(c) Marking, Weights: Condition "A"=4,100 pounds; Condition "B"=11,528 pounds, manufactured by Lane Lifeboat Division of Lane Marine Technology, Inc., 150 Sullivan Street, Brooklyn, NY 11231, effective May 3, 1972. (It supersedes Approval No. 160.035/413/1 dated January 31, 1967, to show change of name of manufacturer.)

Approval No. 160.035/414/1, 22.0′ x 7.5′ x 3.16′ steel, hand-propelled lifeboat, 31-person capacity, identified by general arrangement dwg. No. 56–2224 dated April 3, 1958, and revised October 22, 1966, 46 CFR 160.035–13(c) Marking, Weights: Condition "A"=3,320 pounds; Condition "B"=9,097 pounds, manufactured by Lane Lifeboat Division of Lane Marine Technology, Inc., 150 Sullivan Street, Brooklyn, NY 11231, effective May 3, 1972. (It supersedes Approval No. 160.035/414/1 dated October 28, 1966, to show change of name of manufacturer.)

Approval No. 160.035/453/0, 28.0′ x 9.8′ x 4.12′ steel, hand-propelled lifeboat, 66-person capacity, identified by general arrangement and construction dwg. No. 28–003–01 Rev. A dated April 10, 1967, 46 CFR 160.035–13(c) Marking, Weights: Condition "A"=5,250 pounds; Condition "B"=17,659 pounds, manufactured by Lane Lifeboat Division of Lane Marine Technology, Inc., 150 Sullivan Street, Brooklyn, NY 11231, effective May 3, 1972. (It supersedes Approval No. 160.-035/453/0 dated April 27, 1967, to show change of name of manufacturer.)

Safety Valves (Power Boilers)

Approval No. 162.001/288/0, 2500 Series, Types 258*( )AM and 259*( ) AM, carbon steel body (ASTM A216 Gr WCB) pop safety valve, 650° F. maximum temperature, inlet and outlet sizes per dwg. No. 16067, Rev. A, dated January 7, 1972, maximum set pressures as follows: *-type designation indicating corresponding pressure rating (p.s.i.g.); 5=300, 6=600, 7=800, 8=900, 9=1500, manufactured by Teledyne Farris Engineering, Palisades Park, N.J. 07650, effective April 26, 1972.

Approval No. 162.001/289/0, 2500 Series, Types 258*( )BM and 259*( ) BM, carbon steel body (ASTM A216 Gr WCB) pop safety valve, 750° F. maximum temperature, inlet and outlet sizes per dwg. No. 16067, Rev. A dated January 7, 1972, maximum set pressures as follows: *-type designation indicating corresponding pressure rating (p.s.i.g.); 5=300, 6=600, 7=800, 8=900, 9=1500, manufactured by Teledyne Farris Engineering, Palisades Park, N.J. 07650, effective April 26, 1972.

Approval No. 162.001/290/0, 2500 Series, Types 258*( )CM and 259*( ) CM, alloy steel body (ASTM A217 Gr C5) pop safety valve, 900° F. maximum temperature, inlet and outlet sizes per dwg. No. 16067, Rev. A, dated January 7, 1972, maximum set pressures as follows: *-type designation indicating corresponding pressure rating (p.s.i.g.); 5=300, 6=600, 7=700, 8=900, 9=1500, manufactured by Teledyne Farris Engineering, Palisades Park, N.J. 07650, effective April 26, 1972.

Approval No. 162.001/291/0, 2500 Series, Types 258*( )CM and 259*( )CM, alloy steel body (ASTM A217 Gr C5) pop safety valve, 1,000° F. maximum temperature, inlet and outlet sizes per dwg. No. 16067, Rev. A, dated January 7, 1972, maximum set pressures as follows: *-type designation indicating corresponding pressure rating (p.s.i.g.); 5=250, 6=500, 7=500, 8=750, 9=1250, manufactured by Teledyne Farris Engineering, Palisades Park, N.J. 07650, effective April 26, 1972.

Pressure Vacuum Relief Valves, and Spill Valves for Tank Vessels

Approval No. 162.017/67/4, Figure No. 130 pressure vacuum relief valve, enclosed pattern, weight loaded poppets, bronze, nickel, cast iron or corrosion-resistant alloy steel body, dwg. No. 130–A, Rev. 7 dated February 15, 1963, approved for sizes 3″, 4″, 5″, 6″, 8″, and 10″, 10″ size added to previously approved sizes, manufactured by Mechanical Marine Co., Inc., 900 Fairmount Avenue, Elizabeth, NJ 07207, effective April 28, 1972. (It supersedes Approval No. 162.017/67/3 dated September 15, 1970, to include 10″ size and show change of address of manufacturer.)

Approval No. 162.017/113/0, Midland pressure vacuum relief and spill valves Nos. A–825, A–830, A–840, A–850, A–860, and A–880, Brass (ASTM B62) or stainless (CF–8, CF–8M) body, outlet may have cast flange (A–825F, etc.), approval includes sizes 2½″, 3″, 4″, 5″, 6″, and 8″, manufactured by Midland Manufacturing Corp., 7733 Gross Point Road, Skokie, IL 60076, effective May 3, 1972.

Carbon Dioxide Type Fire Extinguishing Systems

Approval No. 162.038/3/0, Cardox Low Pressure Carbon Dioxide Marine Fire Extinguishing System, Schematic dwgs. Nos. FC–33140, Rev. C dated May 6, 1954, FC–40424 dated May 17, 1957, FC–40425 dated May 17, 1957, and Drawing List No. FD–32501, Rev. C dated April 8, 1958, manufactured by Cardox, Division of Chemetron Corp., 850 North Michigan Avenue, Chicago, IL 60611, effective April 25, 1972. (It supersedes Approval No. 162.038/3/0 dated July 29, 1966.)

Backfire Flame Control, Gasoline Engines; Flame Arresters; for Merchant Vessels and Motorboats

Approval No. 162.041/140/0, Barbron backfire flame arrester, part No. 57151B, brass element, base, and cover, alternate material for base and cover is anodized aluminum (57151A), opening in base is 5.085–5.095″ in diameter, manufactured by Barbron Corp., 14580 Lesure Avenue, Detroit, MI 48227, effective April 26, 1972.

Approval No. 162.041/141/0, Barbron backfire flame arrester, part No. 571516B, brass element, base, and cover, alternate material for base and cover is anodized aluminum (571516A), flared base is 0.562″ high, opening in base is 2.628–2.638″ I.D., manufactured by Barbron Corp., 14580 Lesure Avenue, Detroit, MI 48227, effective April 26, 1972.

Approval No. 162.041/142/0, Barbron backfire flame arrester, part No. 38111–B, brass element, base, and cover, alternate material for base and cover is anodized aluminum (38111A), base is 3/16″ high, opening in base is 1.187″ in diameter, manufactured by Barbron Corp., 14580 Lesure Avenue, Detroit, MI 48227, effective April 26, 1972.

Approval No. 162.041/143/0, Barbron backfire flame arrester, part No. 381511B, brass element, base, and cover, alternate material for base and cover is anodized aluminum (381511A), base is 3/16″ high, opening in base is 1.187″ in diameter, manufactured by Barbron Corp., 14580 Lesure Avenue, Detroit, MI 48227, effective April 26, 1972.

Structural Insulations for Merchant Vessels

Approval No. 164.007/7/1, "No. 450 Cement," mineral wool cement type structural insulation identical to that described in National Bureau of Standards Test Report No. TG–3619B; FR–1466B dated July 7, 1939, approved for use without other insulating material to meet Class A–60 requirements in a 3½-inch thickness and 30 pounds per cubic foot density, formerly J–M No. 450 Cement,

manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York, NY 10016, effective May 2, 1972. (It is an extension of Approval No. 164.007/7/1 dated May 3, 1967.)

Approval No. 164.007/9/1, "Banroc 202AA," mineral wool type structural insulation identical to that described in National Bureau of Standards Test Report No. TG-3619-36; FR-1404 dated May 17, 1939, blankets with asbestos paper facings approved for use without other insulating materials to meet Class A-60 requirements in a 3-inch thickness and 16 pounds per cubic foot density, formerly J-M 202AA, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York, NY 10016, effective May 2, 1972. (It is an extension of Approval No. 164.007/9/1 dated May 3, 1967.)

Dated: June 13, 1972.

G. H. READ,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.72-9320 Filed 6-20-72;8:47 am]

Office of the Secretary

CIVIL ADMINISTRATION OF WAKE ISLAND

Termination of Agreement

Whereas, the Department of Transportation, through the Federal Aviation Administration, has the responsibility for the civil administration of Wake Island, through assignment by the Department of the Interior to the Federal Aviation Agency by agreement of February 5, 1962 (27 F.R. 8887), and extended with the Department of Transportation on August 26, 1967 (32 F.R. 12924);

Whereas, the Department of Transportation intends to terminate its responsibility for the civil administration of Wake Island, along with its use, jurisdiction, control, responsibility, and interest in the facilities on Wake Island at midnight on June 24, 1972, Wake Island time and date;

Whereas, the Department of the Air Force has agreed to assume responsibility for the civil administration of Wake Island, along with the use, jurisdiction, control, responsibility, and interest in the facilities on Wake Island at midnight on June 24, 1972, Wake Island time and date, and to enter into an agreement therefor with the Department of the Interior;

Now, therefore, in consideration of the above, the agreement providing for the civil administration of Wake Island between the U.S. Department of the Interior and Department of Transportation, executed February 5, 1962, with the Federal Aviation Agency and extended on August 26, 1967, with the Department of Transportation, will terminate at midnight on June 24, 1972, Wake Island time and date.

Dated: June 14, 1972.

JOHN A. VOLPE,
Secretary of Transportation.

Dated: June 13, 1972.

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

[FR Doc.72-9322 Filed 6-20-72;8:48 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-313]

ARKANSAS POWER AND LIGHT CO.

Order Extending Construction Permit Completion Date

By application dated June 1, 1972, Arkansas Power and Light Co. requested an extension of the latest completion date specified in Construction Permit No. CPPR-57. The permit authorizes the construction of a pressurized water nuclear reactor designated as the Arkansas Nuclear One, Unit 1, at the applicant's site on a peninsula in Dardenelle Reservoir on the Arkansas River in Pope County, Ark.

Good cause having been shown for this extension pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and § 50.55(b) of 10 CFR Part 50 of the Commission's regulations: *It is hereby ordered*, That the latest completion date specified in Construction Permit No. CPPR-57 is extended from July 1, 1972 to July 1, 1973.

Dated at Bethesda, Md., this 14th day of June 1972.

For the Atomic Energy Commission.

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

[FR Doc.72-9331 Filed 6-20-72;8:48 am]

[Docket No. 70-1292]

NUCLEAR FUEL SERVICES, INC.

Notice of Availability of Amendment No. 1 to Applicant's Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in 10 CFR Part 50, Appendix D, notice is hereby given that a copy of a report entitled "Amendment No. 1—Environmental Report—Fuels Fabrication Plant, West Valley, N.Y.," dated April 14, 1972, and replacement pages to the environmental report, submitted by Nuclear Fuel Services, Inc., are being placed for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, DC. A copy of Amendment No. 1 and the replacement pages are also being placed for public inspection in the State Clearinghouse, New York State Office of Planning Coordination, 488 Broadway, Albany, NY; the Regional Clearinghouse, Southern Tier West Regional Planning Board, 303 Court Street, Little Valley, NY; and in the Memorial Library of Little Valley, Main Street, Little Valley, N.Y.

The amendment discusses environmental considerations involved in Nuclear Fuel Services' application for a materials license to possess and use special nuclear material for operation of its fuels fabrication plant at West Valley, N.Y. Comments on the report may be submitted by interested persons to the Deputy Director for Fuels and Materials, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Notice of availability of the environmental report, revised December 1971, was published in the FEDERAL REGISTER February 1, 1972 (37 F.R. 2461).

After the report and amendment thereto have been reviewed by the Commission's regulatory staff, a draft detailed statement on environmental considerations related to the proposed activity will be prepared. Upon completion of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of the availability of the applicant's environmental report and the draft detailed statement. The summary notice will request comments from interested persons on the proposed action and on the draft detailed statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be made available when received.

Dated at Bethesda, Md., this 14th day of June 1972.

For the Atomic Energy Commission.

C. T. EDWARDS,
Assistant to Deputy Director for Fuels and Materials, Directorate of Licensing.

[FR Doc.72-9332 Filed 6-20-72;8:48 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23190]

SPECIAL SERVICE SCHOOL TEACHERS GROUP, INC., ET AL.

Notice of Postponement of Hearing Regarding Enforcement Proceeding

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act

as amended, that hearing in this proceeding, set for June 26, 1972 (37 F.R. 10529, May 24, 1972), is postponed indefinitely.

Dated at Washington, D.C., June 15, 1972.

[SEAL] HENRY WHITEHOUSE,
Hearing Examiner.

[FR Doc.72-9349 Filed 6-20-72;8:50 am]

[Docket No. 23401]

TRANS WORLD AIRLINES, INC., AND PAN AMERICAN WORLD AIRWAYS, INC.

Notice of Postponement of Hearing Regarding Enforcement Proceeding

Notice is hereby given that the hearing in the above-entitled matter is postponed from June 16, 1972 (37 F.R. 11914, June 15, 1972), to June 23, 1972, at 10 a.m., local time, in Room 1031, Universal Building, North, 1875 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

Dated at Washington, D.C., June 15, 1972.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[FR Doc.72-9350 Filed 6-20-72;8:50 am]

[Docket No. 24530]

IBERIA AIR LINES OF SPAIN

Foreign Air Carrier Permit Madrid-San Juan-Miami; Notice of Prehearing Conference and Hearing

Notice is hereby given that the prehearing conference in the above-entitled matter originally scheduled to be held on June 15, 1972 (37 F.R. 11700, June 10, 1972), is hereby assigned to be held on June 26, 1972, at 10 a.m., local time, in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned.

Notice is also given that the hearing will be held immediately following conclusion of the prehearing conference unless, as a result of the conference, further postponement appears necessary or desirable.

Dated at Washington, D.C., June 19, 1972.

[SEAL] ROBERT L. PARK,
Associate Chief Examiner.

[FR Doc.72-9426 Filed 6-20-72;8:52 am]

FEDERAL COMMUNICATIONS COMMISSION

STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on July 21, 1972, the following application for increase in daytime power of Class IV standard broadcast Station KVOY, will be considered as ready and available for processing:

BP-19170 KVOY, Yuma, Ariz.
KVOY Radio, Inc.
Has: 1400 kHz, 250 w., U.
Req: 1400 kHz, 250 w., 1 kw.-LS, U.

The purpose of this notice is not to invite applications which may conflict with the listed application, but to apprise any party in interest who desires to file pleadings concerning the application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, of the necessity of complying with § 1.580(i) of the Commission's rules governing the time of filing and other requirements relating to such pleadings.

Adopted: June 14, 1972.

Released: June 15, 1972.

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

[FR Doc.72-9418 Filed 6-20-72;8:51 am]

FEDERAL HOME LOAN BANK BOARD

[H. C. 128]

AMERICAN FLETCHER CORP.

Notice of Receipt of Application for Approval of Acquisition of Control of Southwest Savings and Loan Association

JUNE 15, 1972.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from American Fletcher Corp., Indianapolis, Ind., a bank holding company, for approval of its acquisition of control of the Southwest Savings and Loan Association, Phoenix, Ariz., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected by the purchase for cash by American Fletcher Corp. of the outstanding stock of Southwest Savings and Loan Association. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.72-9303 Filed 6-20-72;8:46 am]

FEDERAL POWER COMMISSION

[Docket No. CI72-828]

TESORO PETROLEUM CORP.

Notice of Application

JUNE 16, 1972.

Take notice that on June 12, 1972, Tesoro Petroleum Corp. (applicant), 8520 Crownhill, San Antonio, TX 78209, filed in Docket No. CI72-828 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Co. (United) from the West Fields Field, Beauregard Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas to United on June 2, 1972, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and that it proposes to continue said sale for 1 year after the termination of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 31,000 Mcf of gas per month at 35 cents per Mcf at 15.025 p.s.i.a.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before June 28, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-9389 Filed 6-20-72;8:51 am]

FEDERAL RESERVE SYSTEM

BARNETT BANKS OF FLORIDA, INC.

Order Approving Acquisition of Bank

Barnett Banks of Florida, Inc., Jacksonville, Fla., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Barnett Bank of North Jacksonville, Jacksonville, Fla., a proposed new bank (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the third largest bank holding company in Florida, controls 32 banks with aggregate deposits of approximately $969 million, representing 6.58 percent of total commercial bank deposits in the State. (Banking data are as of June 30, 1971, and reflect holding company formations and acquisitions approved by the Board through May 30, 1972.) Bank is a proposed new bank and its acquisition by applicant would not increase the concentration of banking resources nor have any significant adverse effect on any competing bank in the relevant areas.

There are 30 banks operating in the relevant market of Duval County, representing 13 banking organizations. Six of these are bank holding companies that control approximately 85 percent of county deposits. Applicant, as the county's third largest bank holding company, controls approximately 21 percent of market deposits.

Applicant's nearest subsidiary banking office is located 9 miles from Bank's proposed site. Less than 1 percent of applicant's loans and deposits are derived from Bank's proposed service area in the northeastern section of Duval County. Applicant's acquisition of the proposed new bank would not eliminate any existing competition, nor does it appear that it would substantially lessen future competition or impose a barrier to future entry. Competitive considerations are consistent with approval of the application.

The managerial resources and financial condition of applicant and its subsidiary banks are generally satisfactory, and applicant has entered into an extensive capital improvement program which will provide additional capital to subsidiary banks as the need arises. Bank, as a proposed new bank, has no operating history, but its projected earnings and growth under applicant's control appear favorable. Banking factors are consistent with approval of the application.

There are no banking services available at the present time in the proposed bank's immediate service area. Bank would serve as a convenient source of banking for the residents of this expanding area, and, accordingly, considerations relating to the convenience and needs of the communities to be served lend some weight toward approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order or (b) later than three months after that date, and (c) Barnett Bank of North Jacksonville, Jacksonville, Fla., shall be opened for business not later than 6 months after the effective date of this order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] effective June 13, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-9333 Filed 6-20-72;8:48 am]

FIRST NATIONAL CHARTER CORP.

Acquisition of Bank

First National Charter Corp., Kansas City, Mo., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of the successor by merger to the Butler State Bank, Butler, Mo. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of 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 July 5, 1972.

Board of Governors of the Federal Reserve System, June 14, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-9335 Filed 6-20-72;8:48 am]

F & M OPERATING CO.

Acquisition of Bank

F & M Operating Co., Abilene, Tex., has applied, in two separate applications as set forth below, for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)):

(1) To acquire 100 percent of the voting shares (less directors' qualifying shares) of First National Bank of Abilene, Abilene, Tex.; and

(2) To acquire indirectly 3.9 percent of the voting shares of Bank of Commerce, Abilene, Tex. Applicant presently owns 28.6 percent of the voting shares of Bank of Commerce.

The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the applications should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 7, 1972.

Board of Governors of the Federal Reserve System, June 14, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-9334 Filed 6-20-72;8:48 am]

HAWKEYE BANCORPORATION

Order Approving Acquisition of Banks

Hawkeye Bancorporation, Des Moines, Iowa, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Jasper County Savings Bank, Newton, Iowa (Newton Bank); 80 percent or more of the voting shares of First Federal State Bank, Des Moines, Iowa (Des Moines Bank); 88.5 percent or more of the voting shares of State Bank and Trust, Council Bluffs, Iowa (Council Bluffs Bank); 81.7 percent of the voting shares of the Clay County National Bank of Spencer, Spencer, Iowa (Spencer Bank); 50.6 percent or more of the voting shares of Camanche State Bank, Camanche, Iowa (Camanche Bank); and 51 percent or more of the voting shares of the Citizens National Bank of Boone, Boone, Iowa (Boone Bank).

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

On the basis of the record, the applications are approved for the reasons set forth in the Board's statement[1] of this date.[2] The transactions shall not be con-

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Brimmer, Sheehan, and Bucher. Absent and not voting: Governor Daane.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Chicago.

[2] The statement also reflects Board action of this date denying an application by Hawkeye Bancorporation to acquire all of the outstanding voting shares of Kellogg Savings Bank, Kellogg, Iowa.

summated (a) before the 30th calendar day following the effective date of this order, or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[2] effective June 12, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-9336 Filed 6-20-72;8:49 am]

HAWKEYE BANCORPORATION

Order Denying Acquisition of Bank

Hawkeye Bancorporation, Des Moines, Iowa, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Kellogg Savings Bank, Kellogg, Iowa (Kellogg Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

On the basis of the record, the application is denied for the reasons set forth in the Board's statement[1] of this date.

By order of the Board of Governors,[2] effective June 12, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-9337 Filed 6-20-72;8:49 am]

TEXAS COMMERCE BANCSHARES, INC.

Order Granting Request for Reconsideration

Texas Commerce Bancshares, Inc., Houston, Tex., has requested reconsideration of the order of April 11, 1972, whereby the Board of Governors denied the application of Texas Commerce Bancshares, Inc., for prior approval for the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of American National Bank of Beaumont, Beaumont, Tex. (American Bank), pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)). A companion Order of April 11, 1972, granted approval to applicant for the acquisition of shares of Beaumont State Bank, Beaumont, Tex. (State Bank).

Pursuant to § 262.3(f)(6) of the Board's rules, applicant requests reconsideration of its original proposal which sought the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of American Bank and, in conjunction therewith, the acquisition of 37 percent of the shares of State Bank. A trusteed affiliate of American Bank, through its trustees, holds 37 percent of the outstanding voting shares of State Bank. Information contained in the original applications failed to inform the Board that the proposed acquisition of shares of State Bank was contingent upon, and sought only in connection with, an acquisition of American Bank. In its request for reconsideration, applicant states that no attempt has been made to determine the separate asset value of shares of State Bank held by trustees for the benefit of shareholders of American Bank; that no representatives of State Bank were approached in connection with or made parties to the acquisition agreement between Texas Commerce and American Bank; and that Texas Commerce has been advised by directors of both State and American Banks and by the trustees holding shares of State Bank that they will neither consider nor cooperate with any efforts towards an acquisition by Texas Commerce of State Bank separate from acquisition of American Bank.

In its earlier consideration of applicant's proposals, the Board treated the separate application to acquire shares of State Bank as a transaction having some prospect of consummation independently from acquisition of shares of American Bank. The Board finds that reconsideration of applicant's proposed acquisitions is warranted on the basis of facts presented. Accordingly, the request for reconsideration is hereby approved.

Applicant states that it has not applied for, and does not seek, an acquisition of shares of Beaumont State Bank, Beaumont, Tex., apart from an acquisition of shares of American National Bank of Beaumont. Accordingly, the Board's order of April 11, 1972, which granted to applicant approval of the acquisition of shares of Beaumont State Bank is vacated.

Comments and views regarding the proposed acquisitions may be filed with the Board not later than June 30, 1972. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The applications, as supplemented by applicant's request for reconsideration, may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas.

By order of the Board of Governors,[1]

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-9338 Filed 6-20-72;8:49 am]

WYOMING BANCORPORATION

Acquisition of Bank

Wyoming Bancorporation, Cheyenne, Wyo., 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 up to 100 percent of the voting shares of the Stockgrowers Bank of Evanston, Evanston, Wyo. 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 July 7, 1972.

Board of Governors of the Federal Reserve System, June 14, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-9339 Filed 6-20-72;8:49 am]

FEDERAL TRADE COMMISSION

WOOL FLOKATI RUGS OR CARPETS

Alternative Procedure for Washing Rugs or Carpets Subject to Flammability Standards

On April 10, 1970, the Secretary of Commerce pursuant to his authority under the Flammable Fabrics Act issued a Standard for the Surface Flammability of Carpets and Rugs (DOC FF 1-70) (pill test) applicable to large carpets and rugs defined therein, which standard was published in the FEDERAL REGISTER on April 16, 1970 (35 F.R. 6211) and became effective 1 year after publication.

Subsequently, the Secretary of Commerce issued a Standard for the Surface Flammability of Small Carpets and Rugs (DOC FF 2-70) applicable to certain small carpets and rugs excluded from DOC FF 1-70. DOC FF 2-70 was published in the FEDERAL REGISTER on December 29, 1970 (35 F.R. 19702) and became effective 1 year after publication.

Each of the aforesaid standards is the same with the only substantial difference

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Brimmer, Sheehan, and Bucher. Absent and not voting: Governor Daane.

effective June 12, 1972.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Chicago.

[2] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Brimmer, Sheehan, and Bucher. Absent and not voting: Governor Daane.

between the two being that DOC FF 1–70 requires that carpets and rugs subject to its provisions meet the acceptance criterion prior to introduction into commerce, while the small carpet or rug to be introduced into commerce (DOC FF 2–70) may be permanently labeled by a cautionary label, the language of which is specified in the standard, where the small carpet or rug does not meet the acceptance criterion of that standard.

Both standards provide for the washing and drying of carpets and rugs by procedures provided in Method 124–1967 of the American Association of Textile Chemists and Colorists (AATCC) prior to testing the flammability of the carpet or rug if it has been treated with a fire-retardant as defined in the standard.

Alternatively, the standards permit the approval of a different washing method than that referred to above, if such method is found by the Commission to be the equivalent of the specified method or such method is established to the satisfaction of the Commission as being normally used for the particular type of carpet or rug in service. Details as to the criteria for approval of alternative procedures are set out in the standards.

Importers and distributors of wool Flokati carpets and rugs imported from Greece as well as an interested association have petitioned the Commission for an alternative washing procedure for such carpets and rugs on the basis that the washing method specified in the standards would render wool Flokati carpets or rugs useless, and on the further bases that the specified AATCC method is never normally used in service for wool Flokati carpets or rugs and that the proposed alternative is the only suitable method for normal cleaning in service.

The Commission has fully examined all the documents and exhibits presented and has made such information a part of the public record. On the basis of the submitted information and its own investigation, the Commission has determined to approve tentatively an alternative washing procedure for the testing of the flammability of wool Flokati rugs which have been treated with a fire-retardant finish and which are subject to flammability standards DOC FF 1–70 and DOC FF 2–70.

Such tentative approval, however, is predicated upon the condition that before any wool Flokati rug may be washed by such alternative procedure it must be permanently labeled with information setting forth the cleaning procedure to be utilized by the consumer.

Accordingly, the Commission has tentatively decided to accept as an appropriate alternative washing procedure under DOC FF 1–70 and DOC FF 2–70 the procedure hereinafter set forth: *Provided*, That any wool Flokati carpet or rug for which such alternative procedure is utilized, is labeled with a conspicuous, legible, and permanent label containing the following statement:

DO NOT WASH IN HOME MACHINE OR DRY CLEAN—AVOID RUBBING OR BRUSHING WHILE DAMP

This Flokati carpet or rug has been treated with a flame retardant. To maintain this flame retardant and to keep the carpet attractive and clean, use the following methods.

1. Vacuum (using suction head without rotating brush) or shake the rug (depending upon size) to remove loose dirt.

2. Home laundering: Place in bath tub or other suitable receptacle in solution of home detergent and lukewarm water (approximately 105° F.). Immerse face down and gently knead back of rug to remove soil. Rinse in lukewarm water (approximately 105° F.) until detergent is removed. Rug may then be rinsed again in cool water to improve appearance of face if desired. Line dry. Shake while damp to restore surface and fluff up fibers.

3. Spot cleaning: Remove greasy stains with a household grease remover. Remove soluble stains with lukewarm water (approximately 105° F.) and detergent by immersing spot in a pan and kneading the back of rug. Rinse thoroughly in lukewarm water. Line or floor dry. Shake while damp to restore surface and fluff up fibers.

4. Commercial cleaning: Use Roll-A-Jet equipment (or equivalent) with water not exceeding 105° F. Avoid use of excessive pressure or reciprocating brushes. Drying temperatures should not exceed 200° F.

Details of the alternative procedure are as follows:

REPRODUCIBLE LABORATORY VERSION OF CUSTOMARY WASHING PROCEDURE FOR WOOL FLOKATI CARPETS OR RUGS SUBJECT TO THE STANDARDS FOR THE SURFACE FLAMMABILITY OF CARPETS AND RUGS: DOC FF 1–70 AND DOC FF 2–70.

1. Cut test specimens to an oversize of 12" x 12" before the procedure is initiated.

2. Vacuum specimens or shake vigorously to remove any loose fibers, dust or possible accumulated debris.

3. Place individual specimen face down in a shallow pan which has been filled to a depth of 2" with a wash solution of 1½ grams of AATCC (American Association of Textile Chemists and Colorists) Standard Detergent as specified in AATCC Method 124–1967 (or equivalent) per liter of water preheated to 105° F. Knead the back of the specimen with hand for 1 minute. Water level and temperature should be maintained for each specimen.

4. Thoroughly rinse specimen face down with warm water at 105° F. for 1 minute under a faucet with strong pressure.

5. Remove excess liquor by use of a wringer, hydroextractor or gentle hand squeezing and dry in circulating air oven at 200° F. until dry.

6. Repeat the above procedure 10 times using fresh detergent and fresh water for each set of eight specimens.

7. Subject the dry specimens to the test procedures in DOC FF 1–70 and DOC FF 2–70.

The Commission further announced that its tentative approval of the aforesaid washing procedure and labeling provisions would be subject to revision or revocation should it be determined that such procedure was inadequate to fully protect the public. The Commission further announced that interested persons, including the consuming public, may file written data, views, or arguments concerning the proposed procedure with the Assistant Director for Textiles and Furs, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, not later than 30 days from date of publication in the FEDERAL REGISTER. A final decision on the procedure will take into account the entire public record including any comments which may be filed.

By direction of the Commission dated June 19, 1972.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.72-9460 Filed 6-20-72;8:56 am]

GENERAL SERVICES ADMINISTRATION

[Wildlife Order 95]

ARMY RESERVE OUTDOOR TRAINING CENTER FORT SNELLING, MINN.

Transfer of Property

Pursuant to section 2 of Public Law 537, 80th Congress, approved May 19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By letter from the General Services Administration, Chicago, Ill., Regional Office, dated April 6, 1972, the property comprising 123 acres of unimproved land, identified as the U.S. Army Reserve Outdoor Training Center, Fort Snelling, Minn., D–Minn–402M, has been transferred to the Department of the Interior.

2. The above-identified property was transferred to the Department of the Interior for wildlife conservation purposes in accordance with the provisions of section 1 of the said Public Law 537 (16 U.S.C. 667b).

Dated: June 14, 1972.

RICHARD W. AUSTIN,
Assistant Commissioner,
Office of Real Property.

[FR Doc.72-9299 Filed 6-20-72;8:45 am]

OFFICE OF EMERGENCY PREPAREDNESS

TENNESSEE

Amendment to Notice of Major Disaster

Notice of major disaster for the State of Tennessee, dated May 16, 1972, and published May 20, 1972 (37 F.R. 10412), 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 May 15, 1972:

The county of:

Sevier.

Dated: June 14, 1972.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.72-9298 Filed 6-20-72;8:45 am]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

[Docket No. 72-1]

TRADE INFORMATION COMMITTEE

Notice of Additional Session of Public Hearing

On May 25, 1972, a notice was published in the FEDERAL REGISTER (37 F.R. 10620, F.R. Doc. 72-7965) of public hearings to be held on June 26, 1972, regarding U.S. consideration of a possible international agreement on product standards. An additional session of these hearings will be held beginning at 10 a.m. on Wednesday, July 26, 1972. Requests to present oral testimony should be received by Wednesday, July 12, 1972. Written briefs should be received by Wednesday, July 19, 1972.

Dated: June 16, 1972.

LOUIS C. KRAUTHOFF II,
Chairman,
Trade Information Committee.

[FR Doc.72-9348 Filed 6-20-72;8:50 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5206]

AMERICAN ELECTRIC POWER CO., INC.

Notice of Proposed Surety Bond by Holding Company

JUNE 15, 1972.

Notice is hereby given that American Electric Power Co., Inc. (AEP), 2 Broadway, New York, NY 10004, a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 12(b) and 12(f) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

AEP proposes to act as surety for one of its electric utility subsidiary companies, Wheeling Electric Company (Wheeling), pursuant to an order of the Public Service Commission of West Virginia (West Virginia Commission) in connection with placing into effect new rates prior to completion of an investigation by the West Virginia Commission with respect thereto. On January 24, 1972, Wheeling filed with the West Virginia Commission new increased rates for electric service in the territory served by it in West Virginia. By Order dated February 8, 1972, the West Virginia Commission suspended those rates for the statutory period of 120 days pending its investigation of such rates. The new rates can be made effective on and after June 28, 1972, subject to the posting by Wheeling of a bond to assure the making of appropriate refunds to its customers in the event the West Virginia Commission's final order in the proceeding should require refunds to be made. The West Virginia Commission has indicated that it would permit American to become a surety for Wheeling in lieu of Wheeling's posting the bond. AEP proposes to issue a surety bond for Wheeling in an amount not to exceed $1,500,000, which is the estimated additional annual revenue under the new rates. It is estimated that the bond will save Wheeling an estimated $4,000 annually.

It is stated that no fees, commissions, or other expenses are expected to be paid or incurred by AEP or any associate company in connection with the proposed transaction and that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than 12 noon on June 27, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-9342 Filed 6-20-72;8:49 am]

[File 500-1]

CANADIAN JAVELIN, LTD.

Order Suspending Trading

JUNE 14, 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 Limited 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 June 15, 1972 through June 24, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-9343 Filed 6-20-72;8:49 am]

[File 500-1]

MERIDIAN FAST FOOD SERVICES, INC.

Order Suspending Trading

JUNE 14, 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 June 15, 1972 through June 24, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-9344 Filed 6-20-72;8:49 am]

TARIFF COMMISSION

[TEA-F-40]

V-M CORP.

Notice of Hearing Regarding Petition for Determination

The U.S. Tariff Commission has ordered a hearing in connection with the investigation instituted on May 30, 1972, under section 301(c)(1) of the Trade Expansion Act of 1962 on petition filed by V-M Corp., Benton Harbor, Mich. (37 F.R. 11217). The hearing will be held at 10 a.m., e.d.s.t., on June 27, 1972, in the hearing room, Tariff Commission Building, Eighth and E Streets NW., Washington, DC. Appearances at the hearing should be entered in accordance with

§ 201.13 of the Tariff Commission's rules of practice and procedure (19 CFR 201.13).

Issued: June 16, 1972.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.72-9325 Filed 6-20-72;8:48 am]

INTERSTATE COMMERCE COMMISSION

[Notice 14]

ASSIGNMENT OF HEARINGS

JUNE 16, 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 13250 Sub 116, J. H. Rose Truck Line, Inc., and MC 83539 Sub 341, C & H Transportation Co., Inc., now being assigned hearing July 17, 1972 (1 week), at the Miyako Hotel, Post and Laguna Street, San Francisco, Calif.

MC 13250 Sub 115, J. H. ROSE TRUCK LINE, INC., now being assigned hearing July 24, 1972 (1 week), at San Francisco, Calif., hearing will be held in room 9207, Federal Building, 450 Golden Gate Avenue, San Francisco, CA.

MC 124211 Sub 211, Hilt Truck Line, Inc., now being assigned hearing July 20, 1972 (2 days), in room 1534, courthouse, 312 North Spring Street, Los Angeles, CA.

MC 113678 Sub 431, Curtis, Inc., MC 115826 Sub 219, W. J. Digby, Inc., now assigned July 26, MC 136386, Go Lines, Inc., now assigned July 24, 1972, hearing will be held in room 13025, Federal Building, 450 Golden Gate Avenue, San Francisco, CA.

MC 106497 Sub 61, Parkhill Truck Co., now assigned July 17, 1972 (1 week), at the Miyako Hotel, Post and Laguna Street, San Francisco, Calif.

MC 134243 Sub 2, Moore Bros. Transportation Co., Inc., now assigned July 6, 1972, at Greensboro, N.C., hearing postponed indefinitely.

MC 51146 Sub 242, Schneider Transport & Storage, Inc., and MC 123255 Sub 16, B & L Motor Freight, Inc., now being assigned hearing August 4, 1972, at Chicago, Ill., in a hearing room to be later designated (1 day).

MC 107295 Sub 560, Pre-Fab Transit Co., now being assigned hearing August 2, 1972, at Chicago, Ill., in a hearing room to be later designated (1 day).

MC 111812 Sub 457, Midwest Coast Transport, Inc., now being assigned hearing August 3, 1972 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 119777 Sub 232, Ligon Specialized Hauler, Inc., now being assigned hearing August 1, 1972 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 123294 Sub 24, Warsaw Trucking Co., Inc., now being assigned hearing July 31, 1972 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 117940 Sub 66, Nationwide Carriers, Inc., now being assigned hearing August 8, 1972 (1 day), at New York, N.Y., in a hearing room to be later designated.

MC 117943 Sub 1, Joseph M. Booth, doing business as J. M. Booth Trucking, now being assigned hearing August 9, 1972 (3 days), at New York, N.Y., in a hearing room to be later designated.

MC 135873 Sub 1, KSS Transportation Corp., now being assigned hearing August 7, 1972 (1 day), at New York, N.Y., in a hearing room to be later designated.

MC 119619 Sub 43, Distributors Service Co., now assigned July 17, 1972, at Chicago, Ill., hearing is postponed indefinitely.

AB 5 Sub 1, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Co., debtor, abandonment between Williamsport, Pa., and Southport, N.Y., in Lycoming, Tioga, and Bradford Counties, Pa., and Chemung County, N.Y., now being assigned hearing August 7, 1972 (1 week), at Williamsport, Pa., in a hearing room to be later designated.

MC 668 Sub 95, Inter City Transportation Co., Inc., Donald A. Robinson, trustee, now being assigned hearing August 7, 1972, at Newark, N.J., in a hearing room to be later designated.

MC 106051 Sub 44, Old Colony Transportation Co., Inc., now being assigned hearing August 7, 1972 (1 week), at Albany, N.Y., in a hearing room to be later designated.

MC 136326, Florida Assembly & Distribution, Inc., now being assigned hearing August 7, 1972 (1 week), at Tallahassee, Fla., in a hearing room to be later designated.

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

[FR Doc. 72-9353 Filed 6-20-72;8:50 am]

[Notice 49]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 16, 1972.

The following publications[1] are governed by the new § 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission, Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 13250 (Sub-No. 115), filed June 5, 1972. Applicant: J. H. ROSE TRUCK LINE, INC., 5003 Jensen Drive, Post Office Box 16190, Houston, TX 77022. Applicant's representative: James M. Doherty, Suite 401, First National Life Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to commodities which are transported on trailers), (1) between points in California, on the one hand, and, on the other, points in Nevada, Oregon, and Washington, and (2) between points in Oregon and Washington, on the one hand, and, on the other, points in Arizona. NOTE: Applicant proposes to tack the authority sought with existing authority. Tacking would be possible in order to transport the involved commodities between points in California, on the one hand, and, on the other, points in Utah, Colorado, Montana, and Wyoming, via Nevada. However, applicant may presently provide this service by tacking existing authority via Arizona. Tacking would also be possible in order to transport the involved commodities between points in Oregon and Washington, on the one hand, and, on the other, points in Utah, Arizona, Colorado, New Mexico, Kansas, Oklahoma, Texas, Missouri, Arkansas, Louisiana, Illinois, Indiana, Kentucky, and Tennessee, via Arizona or California. Such tacking would involve applicant's existing Sub 62, paragraph "O", subparagraph (1), and Sub 76.

HEARING: July 24, 1972 (1 Week), Room 9207, Federal Building, 450 Golden Gate Avenue, San Francisco, Calif.

No. MC 13250 (Sub-No. 116), filed June 9, 1972. Applicant: J. H. ROSE TRUCK LINE, INC., 5003 Jensen Drive, Post Office Box 16190, Houston, TX 77022. Applicant's representative: James M. Doherty, Suite 401, First National Bank Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and tubing*, between points in California, on the one hand, and, on the other, points in the United States (except Hawaii). NOTE: Applicant states it has no present intention to tack. Tacking theoretically would be possible on those commodities requiring special equipment between Washington and Oregon, on the one hand, and, on the other, States lying generally east of the Mississippi River (except Illinois, Indiana, Kentucky, Tennessee, and Louisiana). Such tacking would be via California and would involve circuity of operation.

HEARING: July 17, 1972 (1 week), Miyako Hotel, Post and Laguna St., San Francisco, Calif.

No. MC 116519 (Sub-No. 13) (Republication), filed June 21, 1971, published in the FEDERAL REGISTER issue of July 22, 1971, and republished this issue. Applicant: FREDERICK TRANSPORT LIMITED, Rural Route No. 6, Chatham,

[1] Except as otherwise specifically noted, each applicant (on applications filed after Mar. 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

ON, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. An order of the Commission, Review Board No. 3, dated May 5, 1972, and served June 7, 1972, finds, that the present and future public convenience and necessity require operation by applicant, in foreign commerce only, as a common carrier by motor vehicle, over irregular routes: (A) of agricultural machinery and agricultural implements (except hand implements and tractors), between ports of entry along the United States-Canada international boundary line in the States of New York and Michigan (except those in the Upper Peninsula of Michigan), on the one hand, and, on the other, points in the United States (except Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming), restricted to the transportation of shipments originating at or destined to the facilities of Jamesway Co., Ltd., at or near Preston, Ontario, Canada, or of FMC Machinery & Chemical, Ltd., at or near Burlington, Ontario, Canada; (B) agricultural machinery and agricultural implements (except hand implements), from the facilities of New Holland Division, Sperry Rand Corp., located at New Holland, Mountville, and Belleville, Pa., Grand Island, Nebr., and Vinton, Iowa, to ports of entry along the United States-Canada international boundary line in the States of New York and Michigan (except those in the Upper Peninsula of Michigan), restricted to the transportation of shipments originating at the above-named facilities of the New Holland Division, Sperry Rand Corp., and destined to points in the Provinces of Ontario, Quebec, New Brunswick, Nova Scotia, Prince Edward Island, and Newfoundland, Canada. This grant of authority and any other which it duplicates will be considered as a single operating right. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition or other appropriate pleading.

No. MC 123497 (Sub-No. 4) (Republication), filed August 8, 1971, published in the FEDERAL REGISTER issue of October 15, 1971, and republished this issue. Applicant: WOODLAND TRANSPORT, INC., Box 72, Siren, WI. Applicant's representative: Marion Irving Anderson (same address as applicant). A supplemental order of the Commission, Operating Rights Board, dated May 18, 1972, and served June 9, 1972, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of used snowmobiles, between points in Minnesota and Wisconsin, on the one hand, and, on the other, points in Montana and Wyoming; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition seeking leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 135915 (Republication), filed August 6, 1971, published in the FEDERAL REGISTER, issue of September 16, 1971, and republished this issue. Applicant: CURTIS G. GLIDWELL, doing business as COAL CITY TRANSFER, 29 Rickard Drive, Oswego, IL 60543. Applicant's representative: Leon J. Weiss, 32 Water Street, Aurora, IL 60507. An order of the Commission, Operating Rights Board, dated March 24, 1972, and served April 20, 1972, finds, that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Aurora, Oswego, Morris, Plano, Ottawa, Ladd, Spring Valley, Braceville, and Joliet, Ill., on the one hand, and on the other, Chicago and Elk Grove Village, Ill.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition or other relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICES FOR FILING OF PETITIONS

No. MC 117072 (Sub-No. 3) (Corrected Notice of Filing of Petition To Add an Additional Shipper), filed April 24, 1972, published FEDERAL REGISTER, issue of June 1, 1972, and republished as corrected this issue. Petitioner: ARMORED TRANSPORT, INC., Los Angeles, Calif. Petitioner's representative: R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, CA 90017. NOTE: Previous notice in FEDERAL REGISTER failed to set forth that petitioner seeks to add the Bank of California as an additional shipper.

No. MC 123233 (Sub-No. 13) (Notice of Filing of Petition to Extend Expiration Date of Certificate), filed May 22, 1972. Petitioner: PROVOST CARTAGE INC., Ville d'Anjou, Quebec, Canada, Petitioner states it holds certificate MC 123233 (Sub-No. 13) to transport chemicals, lactose, soybean oil, whiskey, explosives, tung oil, and castor oil, in bulk, in tank or hopper-type vehicles, between certain ports of entry on the United States-Canada boundary line and points in 12 northeastern States in the United States. Said certificate, however, expired on January 4, 1971, to the extent that authority is granted to transport classes A and B Explosives. By the instant petition, petitioner requests that the expiration date of the subject certificate be extended for 5 years to January 4, 1976. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor and rail carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-11264. (Amendment) (HELEN H. SCHAEFFER AND EDWARD P. SCHAEFFER), published in the August 25, 1971, issue of the FEDERAL REGISTER on page 16721, approved by order dated April 25, 1972. Petition of transferee was filed June 6, 1972, to re-entitle proceeding from HELEN H. SCHAEFFER AND EDWARD P. SCHAEFFER TO SCHAEFFER TRUCKING, INC., pursuant to order in MC-FC-73294, published in the November 23, 1971, issue of the FEDERAL REGISTER and consummated January 1, 1972.

No. MC-F-11552. (Correction) (AUCLAIR TRANSPORTATION, INC.—Purchase (Portion)—BONDED TRUCKING & RIGGING, INC.), published in the FEDERAL REGISTER, June 7, 1972, on page 11395. Prior notice should include, "within 10 miles of Lowell."

No. MC-F-11565. Authority sought for merger by BRANCH MOTOR EXPRESS COMPANY, 114 Fifth Avenue, New York, NY 10011, of the operating rights and property of MIDDLE ATLANTIC TRANSPORTATION CO., INC., also of 114 Fifth Avenue, New York, NY 10011,

and for acquisition by BRANCH INDUSTRIES, INC., of New York N.Y. 10011, of control of such rights and property through the purchase. Applicants' attorneys: Jack R. Turney, Jr., and J. William Cain, Jr., both of 2001 Massachusetts Avenue NW., Washington, DC 20036. Operating rights sought to be merged: *General commodities,* excepting among others, classes A and B explosives, commodities in bulk, and household goods, as a *common carrier* over regular routes, between New York, N.Y., and Detroit, Mich., between New York, N.Y., and Albany, N.Y., between New York, N.Y., and junction U.S. Highways 20 and 9 (just south of Schodack Center), serving all intermediate and certain off-route points; between Bridgeport, Conn., and Valatie, N.Y., serving all intermediate points with no service at Valatie, between Stratford, Conn., and Hartford, Conn., serving all intermediate points, between New Britain, Conn., and Canaan, Conn., serving all intermediate points, with no service at Canaan, between Syracuse, N.Y., and Batavia, N.Y., serving all intermediate points, with no service at Batavia, between Rochester, N.Y., and Buffalo, N.Y., serving all intermediate points, between junction New York Highways 33 and 78 (just west of Bowmansville) and Irving, N.Y., serving all intermediate points with no service at the termini.

Between New York, N.Y., and Cleveland, Ohio, serving all intermediate and certain off-route points, between Amity Hall, Pa., and Erie, Pa., serving all intermediate points with no service at Amity Hall, between Ebensburg, Pa., and Cleveland, Ohio, serving all intermediate points with no service at Ebensburg, with restriction, serving certain intermediate and off-route points, between Columbus, Ohio, and junction Interstate Highway 70 and Interstate Highway 76, located at or near New Stanton, Pa., serving no intermediate points, between Columbus, Ohio, and junction Interstate Highway 71 and U.S. Highway 224 located about 3 miles northwest of Seville, Ohio, serving no intermediate points, and serving junction Interstate Highway 71 and U.S. Highway 224 for purposes of joinder only, between junction Interstate Highway 71 and U.S. Highway 224, located about 3 miles northwest of Seville, Ohio, and junction Interstate Highway 71 and Ohio Highways 1 and 18, located about 4 miles east of Medina, Ohio, serving no intermediate points, serving Akron, Ohio, as an off-route point, and serving the termini for purposes of joinder only, between junction Interstate Highway 71 and Ohio Highways 1 and 18, located about 4 miles east of Medina, Ohio, and Cleveland, Ohio, serving no intermediate points, serving junction Interstate Highway 71 and Ohio Highways 1 and 18 for purposes of joinder only, between Columbus, Ohio, and junction Ohio Alternate Highway 14 and Ohio Highway 14, located about 1 mile north of Columbiana, Ohio, serving certain intermediate and off-route points, between Cambridge, Ohio, and Pittsburgh, Pa., serving no intermediate points, and serving Cambridge, Ohio, for purposes of joinder only, between Columbus, Ohio, and Toledo, Ohio, serving no intermediate points, and serving Lima, Ohio, as an off-route point,

Between Cincinnati, Ohio, and Zanesville, Ohio, serving no intermediate points, and serving Zanesville, Ohio, for purposes of joinder only, between Washington Court House, Ohio, and Columbus, Ohio, serving no intermediate points, and serving Washington Court House, Ohio, for purposes of joinder only, between Cincinnati, Ohio, and junction U.S. Highway 42 and U.S. Highway 224, located at or near Lodi, Ohio, serving the intermediate point of Delaware, Ohio, and junction U.S. Highways 42 and 224 for purposes of joinder only, between junction U.S. Highway 42 and U.S. Highway 224, located at or near Lodi, Ohio, and Medina, Ohio, serving no intermediate points, serving Akron, Ohio, and an off-route point, and serving the termini for purposes of joinder only, between Cincinnati, Ohio, and Dayton, Ohio, serving no intermediate points, between Dayton, Ohio, and Columbus, Ohio, serving no intermediate points, between Springfield, Ohio, and junction U.S. Highway 36 and Interstate Highway 71, located at or near Berkshire, Ohio, serving the termini and the intermediate point of Delaware, Ohio, for purposes of joinder only, between Dayton, Ohio, and Lima, Ohio, between Lima, Ohio, and Toledo, Ohio, serving no intermediate points, between Findlay, Ohio, and Cleveland, Ohio, serving no intermediate points, serving Lorain, Ohio, as an off-route point, and serving Findlay, Ohio, for purposes of joinder only, between junction U.S. Highway 25 and U.S. Highway 30N, located at or near Beaverdam, Ohio, and Canton, Ohio, serving no intermediate points, serving Akron and North Canton, Ohio, as off-route points, and serving junction U.S. Highway 25 and U.S. Highway 30N for purposes of joinder only, between Boston, Mass., and Hartford, Conn., serving certain intermediate and off-route points, between Worcester, Mass., and Providence, R.I., between junction Rhode Island Highways 146 and 146–A and 15, and Pawtucket, R.I., between New Haven, Conn., and Providence, R.I., between Providence, RI., and Pawtucket, R.I., between Providence, R.I., and Woonsocket, R.I., between Hartford, Conn., and Providence, R.I., serving no intermediate points with restriction; over numerous alternate routes for operating convenience only;

General commodities, except those of unusual value, livestock, commodities in bulk, explosives (not including small-arms ammunition), commodities requiring refrigeration, and those injurious or contaminating to other lading, between Mansfield, Mass., and Boston, Mass., serving all intermediate points, and the off-route points of Sharon and Canton, Mass.; *general commodities,* excepting among others, household goods and commodities in bulk, over irregular routes, between certain specified points in Massachusetts, between Providence, R.I., on the one hand, and, on the other points in Rhode Island; *general commodities,* except those of unusual value, livestock, commodities in bulk, explosives (not including small-arms ammunition), commodities requiring refrigeration, and those injurious or contaminating to other lading, between certain specified points in Massachusetts, on the one hand, and, on the other, certain specified points in Rhode Island, and points in Massachusetts, with restriction; and *starch and dextrine,* from Wollaston and Boston, Mass., to points and places in Providence County, R.I. BRANCH MOTOR EXPRESS COMPANY is authorized to operate as a common carrier in New York, Maryland, New Jersey, Pennsylvania, Delaware, District of Columbia, West Virginia, Ohio, Massachusetts, Connecticut, and Rhode Island. Application has not been filed for temporary authority under section 210a(b). NOTE: Pursuant to order dated December 29, 1971, and consummated March 3, 1972, in No. MC–F–10448 transferee acquired control of transferor.

No. MC–F–11566. Authority sought for purchase by CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, 805 32d Avenue, Council Bluffs, IA 51501, of a portion of the operating rights of OSBORNE TRUCKING CO., INC., 1008 Sierra Drive, Riverton, WY 82501, and for acquisition by CLARENCE L. WERNER, of Council Bluffs, IA 51501, of control of such rights through the purchase. Applicants' attorney: Charles J. Kimball, 605 South 14th St., Post Office Box 82028, Lincoln, NE 68501. Operating rights sought to be transferred: *Lumber,* as a *contract carrier* over irregular routes, from Afton and Evanston, Wyo., to points in Iowa, Illinois, and Missouri, with restriction. Vendee is authorized to operate as a *contract carrier* in Louisiana, Texas, Mississippi, Arkansas, Missouri, Iowa, Nebraska, North Dakota, Wyoming, Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah, South Dakota, Washington, Illinois, Colorado, Montana, Kansas, Minnesota, Alabama, Connecticut, Florida, Georgia, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, West Virginia, Vermont, Virginia, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11568. Authority sought for purchase by NORTH EXPRESS, INC., 219 East Main Street, Winamac, IN 46996, of the operating rights of GRESHAM CARTAGE CO., Rural Route No. 2, Winamac, Ind. 46996, and for acquisition by GEORGE F. ZAHRT, also of Winamac, Ind. 46996, and for acquisition by GEORGE F. ZAHRT, also of Winamac, Ind. 46996, of control of such rights through the purchase. Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Operating rights sought to be transferred: *Iron and steel articles,* as a *common carrier* over irregular routes, between points and places in Illinois and Indiana within

75 miles of Chicago, Ill., including Chicago. Vendee is authorized to operate as a *common carrier* in Indiana, Illinois, Michigan, Wisconsin, Pennsylvania, New Jersey, Missouri, Kansas, New York, Ohio, and Alabama. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11569. Authority sought for purchase by McVEY TRUCKING, INC., Rural Route 1, Oakwood, Ill. 61858, of the operating rights and property of LEONARD L. LEIDING, Watseka,, IL 60970, and for acquisition by LLOYD McVEY and NORMA McVEY, both of Oakwood, Ill. 61858, of control of such rights and property through the purchase. Applicants' attorney: Clyde Meachum, 41 North Vermilion, Danville, Ill. 61832. Operating rights sought to be transferred: *Crushed stone and fertilizer*, as a *common carrier* over irregular routes, between points and places in Newton County, Ind., on the one hand, and, on the other, points and places in Iroquois and Vermilion Counties, Ill. Vendee is authorized to operate as a *common carrier* in Indiana and Illinois. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11571. Authority sought for purchase by ARROW FREIGHTWAYS, INC., 150 Woodward Road SE, Post Office Box 25125, Albuquerque, NM 87125, of the operating rights of DOEPP CROCKETT HAULING, INCORPORATED, Route 1, Box 92C, Dexter, NM, and for acquisition by HAROLD O. VOLDEN and OLIF Q. BOYD, both of Albuquerque, N. Mex. 87125, of control of such rights through the purchase. Applicants' representative: Olif Q. Boyd, Post Office Box 25125, Albuquerque, NM 87125. Operating rights sought to be transferred: *Wire*, as a *common carrier* over irregular routes, from Pueblo, Colo., to points in Chaves and Curry Counties, N. Mex., and points in Ochiltree, Dawson, Martin, and Wheeler Counties, Tex. Vendee is authorized to operate as a *common carrier* in New Mexico, Arizona, Colorado, Oklahoma, Texas, Wyoming, and Nevada. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11573. Authority sought for purchase by HELMS MOTOR EXPRESS, INC., Post Office Drawer 700, Albemarle, NC 28001, of a portion of the operating rights of CROMARTIE TRANSPORT CO., Post Office Box 123, Wilmington, NC, and for acquisition by V. L. BURRIS, 4631 East Haven Drive, Charlotte, NC 28212, of control of such rights through the purchase. Applicants' attorney: J. Ruffin Bailey, Post Office Box 2246, Raleigh, NC 27602. Operating rights sought to be transferred: *General commodities*, except classes A and B explosives and commodities requiring special equipment, as a *common carrier* over regular routes, between Whiteville, and Southport, N.C., between Wilmington, N.C., and junction U.S. Highway 17 and North Carolina Highway 211 at Supply, N.C., between junction U.S. Highway 17 and North Carolina Highway 87 and junction North Carolina Highway 87 and North Carolina Highway 211 near Southport, N.C., between Wilmington, N.C., and Fort Fisher, N.C., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in North Carolina. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11574. Authority sought for merger into WELLS FARGO ARMORED SERVICE CORPORATION, a Delaware corporation, Post Office Box 4313, Atlanta, GA 30302, of the operating rights and property of (1) WELLS FARGO ARMORED SERVICE CORPORATION (Tennessee), (2) WELLS FARGO ARMORED SERVICE CORPORATION OF NEBRASKA, INC. (Delaware), (3) WELLS FARGO ARMORED SERVICE CORPORATION (Connecticut), (4) WELLS FARGO ARMORED SERVICE CORPORATION (Mississippi), and (5) WELLS FARGO ARMORED SERVICE CORPORATION OF VIRGINIA, all of Atlanta, GA 30302, and for acquisition by BAKER INDUSTRIES, INC., 8 Ridgedale Avenue, Cedar Knolls, NJ 07927, of control of such rights and property through the transaction. Applicants' attorneys and representatives: David G. Macdonald and Harry J. Jordan, 1000 16th Street NW., Washington, DC 20036, Melvin E. Bailet, Post Office Box 4313, Atlanta, GA 30302, and Warren G. MacKenzie, 8 Ridgedale Avenue, Cedar Knolls, NJ 07927. Operating rights sought to be merged: (1) *Currency, coin, and negotiable instruments*, in armored vehicles accompanied by guards, as a *contract carrier* over irregular routes, between Huntington, W. Va., and Greenup, Ky., between Charlotte, N.C., on the one hand, and, on the other, points in a defined area of South Carolina, with restriction; *such commodities* as require special protection by guards in armored vehicles while in transit, between Huntington, W. Va., and Russell, Ky., between Memphis, Tenn., on the one hand, and, on the other, points in a defined area of Arkansas, between Memphis, Tenn., on the one hand, and, on the other, points in a defined area of Mississippi, with restriction;

Coin, currency, and *other valuables*, in armored vehicles, escorted by armed guards, between Memphis, Tenn., on the one hand, and, on the other, points in a defined area of Mississippi, Arkansas, and Missouri, with restriction; *coin*, between Atlanta, Ga., Baltimore, Md., Birmingham, Ala., Charlotte, N.C., Jacksonville, Fla., Louisville, Ky., Little Rock, Ark., Memphis and Nashville, Tenn., New Orleans, La., Philadelphia, Pa., Richmond, Va., St. Louis, Mo., and Washington, D.C., between Culpeper, Va., on the one hand, and, on the other Atlanta, Ga., Baltimore, Md., Birmingham, Ala., Boston, Mass., Buffalo and New York, N.Y., Charlotte, N.C., Chicago, Ill., Cincinnati and Cleveland, Ohio, Dallas, El Paso, Houston, and San Antonio, Tex., Denver, Colo., Detroit, Mich., Helena, Mont., Jacksonville and Miami, Fla., Kansas City and St. Louis, Mo., Little Rock, Ark., Los Angeles and San Francisco, Calif., Louisville, Ky., Memphis and Nashville, Tenn., Minneapolis, Minn., New Orleans, La., Oklahoma City, Okla., Omaha, Nebr., Philadelphia and Pittsburgh, Pa., Portland, Oreg., Salt Lake City, Utah, Seattle, Wash., and the District of Columbia, with restriction; *coin, currency, and negotiable securities*, in armored vehicles, between Charlotte, N.C., on the one hand, points in a defined area of South Carolina, between points in Greene County, Ark., on the one hand, and, on the other, Memphis, Tenn., between Charlotte, N.C., on the one hand, and, on the other, points in a defined area of South Carolina, with restrictions;

(1) *Subsidiary coin*, and (2) *minor coin* and *metal dollars* when moving in mixed loads with subsidiary coin, between Denver, Colo., on the one hand, and, on the other, Richmond, Va., Charlotte, N.C., Atlanta, Ga., Birmingham, Ala., Jacksonville, Fla., Fort Knox, Ky., Nashville and Memphis, Tenn., between Philadelphia, Pa., on the one hand, and, on the other, Oklahoma City, Okla., El Paso, Houston, San Antonio, and Dallas, Tex., and Fort Knox, Ky., between West Point and New York, N.Y., on the one hand, and, on the other, Richmond, Va., Charlotte, N.C., Atlanta, Ga., Birmingham, Ala., Jacksonville, Fla., New Orleans, La., Little Rock, Ark., Oklahoma City, Okla., El Paso, Houston, San Antonio, and Dallas, Tex., Fort Knox, Ky., and Nashville and Memphis, Tenn., with restriction; (2) *currency and coin*, between Omaha, Nebr., and Sioux City, Iowa, between Omaha, Nebr., and points in a defined area of Iowa, with restrictions; *currency, coin, negotiable securities, and articles of unusual value*, between Omaha, Nebr., and points in that part of Iowa on and west of U.S. Highway 65, with restriction; (3) *coin, currency, notes, drafts, securities, and other valuable papers* (except banking papers generally identified as bank cash letters), between Bridgeport, Greenwich, and Stamford, Conn., on the one hand, and, on the other, New York, N.Y.; (4) *coin, currency, and other valuables*, requiring special protection by guards in armored vehicles while in transit, between Augusta, Ga., on the one hand, and, on the other, points in Aiken and Barnwell Counties, S.C., with restriction; and (5) *currency and coins*, in armored car service, between Washington, D.C., and Fairfax and Vienna, Va., between Washington, D.C., and Woodbridge, Occoquan, and Dumfries, Va., with restrictions; *currency, coins and checks* moving therewith, in armored car service, between Rockville, Md., and Washington, D.C. WELLS FARGO ARMORED SERVICE CORPORATION, a Delaware corporation, is authorized to operate as a *contract carrier* in all of the States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

PROPOSED NOTICE OF FILING

F.D. 27104, authority is sought for an order under section 5(2) of the Interstate Commerce Act approving and au-

thorizing the acquisition by Jay L. Wulfson, 267 Battery Street, Burlington, VT 05401; Harold T. Filskov, 267 Battery Street, Burlington, VT 05401; and Rosalie W. Szuch, 62 Durand Road, Maplewood, NJ 07040, as persons not a carrier who have control of a carrier, of control of the Clarendon and Pittsford Railroad, a carrier. The name and address of the applicants' attorney is Clyde A. Szuch, Pitney, Hardin & Kipp, 570 Broad Street, Newark, NJ 07102. The nature of the proposed transaction is the purchase of 2,700 shares, which is all the outstanding common stock, of the Clarendon and Pittsford Railroad Co. The Clarendon and Pittsford Railroad Co. is a common freight carrier operating between Florence, Vt., and Center Rutland, Vt., a distance of sixteen (16) miles, all of which is located in Rutland County, Vt. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

MOTOR CARRIER PASSENGER

No. MC–F–11567. Authority sought for merger into (A) CHARTERWAYS TRANSPORTATION LIMITED, 1901 Oxford Street, East London 32, ON, Canada, of the operating rights and property of, (1) TWO CITIES TRANSIT CO., LTD., (2) THE NIAGARA COACH LINES LIMITED, (3) DAVIES MOTORS LIMITED, and (4) AIRLINE SERVICES (CANADA) LTD.; and sought for merger into (B) CHARTERWAYS CO. LIMITED, of the operating rights and property of, (1) SKINNER SCHOOL BUS LINES, LIMITED, (2) SKINNER SCHOOL BUS LINES (ST. THOMAS) LIMITED, (3) SPRINGBANK BUS LINES LIMITED, and (4) SARLON COACH LINES LIMITED, all of London 32, Ontaria, Canada, and for acquisition by BRUCE R. DODDS, 6020 Indian Line, Mississauga, ON, Canada, and in turn by, CHARTERWAYS CO. LIMITED, of control of such rights and property through the transaction. Applicants' attorney: Willhelmina Boersma, 1600 First Federal Building, 1001 Woodward Avenue, Detroit, MI 48226. Operating rights sought to be merged: (A) Passengers and their baggage, and mail in the same vehicle with passengers, as a common carrier over regular routes, between the boundary of the United States and Canada at port of entry near Sault Ste. Marie, Mich., and Kinross Airport, Mich.; passengers and their baggage in round-trip charter operations, over irregular routes, beginning and ending at the ports of entry on the United States-Canada boundary line at or near Buffalo, Lewiston, and Niagara Falls, N.Y., and extending to points in the United States (except Alaska and Hawaii), beginning and ending at ports of entry on the United States-Canada boundary line in Michigan, and extending to points in Ohio, Pennsylvania, New York, Indiana, and Illinois, with restriction, beginning and ending at the port of entry on the United States-Canada boundary line at or near Port Huron, Mich., and extending through said port, to points in Michigan;

Machinery and equipment parts, between those ports of entry on the United States-Canada boundary line located on the Niagara River, on the one hand, and, on the other, points in New York and Pennsylvania, with restriction; passengers and their baggage, in the same vehicle with passengers, in round-trip charter operations, beginning and ending at ports of entry on the United States-Canada boundary line, at Detroit and Port Huron, Mich., and Buffalo and Niagara Falls, N.Y., and extending to points in Michigan, Indiana, Ohio, Pennsylvania, New York, Maryland, Virginia, and the District of Columbia, beginning and ending at ports of entry on the United States-Canada boundary line in Michigan and New York and extending to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming; passengers and their baggage, in the same vehicle with passengers, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at ports of entry on the United States-Canada boundary line and extending to points in the United States (except Alaska and Hawaii), with restrictions; passengers and their baggage, in round-trip charter operations, from ports of entry on the United States-Canada boundary line in Michigan and New York, and extending to points in Illinois, Michigan, New York, Ohio, and the District of Columbia, and return, with restriction; passengers and their baggage, in the same vehicle with passengers in round-trip charter operations, beginning and ending at ports of entry on the United States-Canada boundary line, at Detroit and Port Huron, Mich., and Buffalo and Niagara Falls, N.Y., and extending to points in Michigan, Indiana, Ohio, Pennsylvania, New York, Maryland, Virginia, and the District of Columbia; passengers and their baggage in the same vehicle with passengers, (1) in round-trip charter operations, and (2) in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at ports of entry on the United States-Canada boundary line and extending to points in the United States (except points in Alaska and Hawaii, and in (1) above, Michigan), with restriction. CHARTERWAYS TRANSPORTATION LIMITED, and CHARTERWAYS CO. LIMITED, are Canadian carriers. Application has not been filed for temporary authority under section 210a(b).

MOTOR CARRIER PASSENGERS

No. MC–F–11572. Authority sought for purchase by VANDALIA BUS LINE, INC., 312 West Morris Street, Caseyville, IL 62232, of the operating rights and property of ALFRED WALLEN, doing business as MISSOURI SOUTHERN COACHES, 215 East Wayne Street, Ironton, MO 63650, and for acquisition by KAY ECKLES and KATHRYN ANDERSON, also of Caseyville, IL 62232, of control of such rights and property through the purchase. Applicants' attorney: Elvin S. Douglas, Jr., Professional Building, Post Office Box 280, Harrisonville, MO 64701. Operating rights sought to be transferred: Passengers and their baggage, and express and newspapers, in the same vehicle with passengers, as a common carrier over regular routes, between St. Louis, Mo., and junction Interstate Highway 55 and U.S. Highway 67, serving no intermediate points, between junction Interstate Highway 55 and U.S. Highway 67, and Piedmont, Mo., between junction Missouri Highways 49 and 21, and Van Buren, Mo., serving all intermediate points. Vendee is authorized to operate as a common carrier in Missouri and Illinois. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72–9358 Filed 6–20–72;8:51 am]

[Notice 79]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–73640. By order of June 13, 1972, the Motor Carrier Board approved the transfer to Star Bus Lines, Inc., Grand Forks, N. Dak., of the operating rights in certificates Nos. MC–129575 (Sub-No. 1) and MC–129575 (Sub-No. 2) issued February 17, 1969, and August 19, 1970, respectively, to Lewis Pierce, doing business as Highway 2 Express, Grand Forks, N. Dak., authorizing the transportation of passengers and their baggage, and express, newspapers, in the

same vehicle with passengers, between Grand Forks, N. Dak., and Minot, N. Dak., serving all intermediate points except those between Grand Forks and junction U.S. Highway 2 and North Dakota Highway 18, and passengers and their baggage, in charter operations, beginning and ending at points in that part of North Dakota on and east of U.S. Highway 83 and on and north of U.S. Highway 2, and extending to points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, South Dakota, Wisconsin, and Wyoming. E. J. Hanson, Box 1177, Grand Forks, ND 58201, registered practitioner for applicants.

No. MC–FC–73691. By order of June 13, 1972, the Motor Carrier Board approved the transfer to Rech Trucking, Inc., Graybull, Wyo., of certificate No. MC–115540 issued September 9, 1969, to Edward Rech and Barbara Rech, doing business as Rech Trucking, Graybull, Wyo., authorizing the transportation of: Various commodities, used in well drilling operations, including portable storage buildings utilized at such well sites, between specified points in Wyoming, on the one hand, and, on the other, points in Montana. Robert S. Stauffer, attorney, 3539 Boaton Road, Cheyenne, WY 82001.

No. MC–FC–73728. By order entered June 13, 1972, the Motor Carrier Board approved the transfer to Hayden Produce, Ind., Anamosa, Iowa, of the operating rights set forth in permit No. MC–125304, issued September 15, 1967, to Midwest Distributors, Inc., Manchester, Iowa, authorizing the transportation of groceries, frozen foods other than groceries, and fresh fruits and vegetables when moving in mixed loads with either groceries or frozen foods, between the plantsites of Certified Grocers Wholesale of Illinois, Inc., of Chicago, Ill., on the one hand, and, on the other, Anamosa and Monticello, Iowa, under contract, or contracts, with three specified shippers. Richard P. Moore, 315 Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, IA 52402.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72–9539 Filed 6–20–72;8:51 am]

[Notice 85]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS [1]

JUNE 14, 1972.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 44639 (Sub-No. 55 TA), filed May 31, 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 Enfield, N.C., on the one hand, and, on the other, Crewe, Va., and Salem, N.J., for 180 days. Supporting shippers: Marilyn Dress Co., Carpenter and Newmarket Streets, Salem, N.J. 08079; Ellen Hart Inc., 1400 Broadway, New York, NY; Enfield Apparel Co., Inc., Enfield, N.C. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 52953 (Sub-No. 40 TA), filed June 1, 1972. Applicant: ET&WNC TRANSPORTATION COMPANY, 132 Legion Street, Johnson City, TN 37601. Applicant's representative: H. M. Cook (same address as above). 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 commodities requiring special equipment, serving Elk Mills, Tenn., as an off-route point between Elizabethton, Tenn., and Mountain City, Tenn., for 180 days. NOTE: Applicant does intend to tack authority here applied for to authority in MC–52953 and subs, and also to interline with other carriers. Supporting shipper: T. R. Industries, Inc., Route 2, Butler, Tenn. 37640. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803, 1808 West End Building, Nashville, TN 37203.

No. MC 109098 (Sub-No. 3 TA), filed May 31, 1972. Applicant: FOGG'S DAILY SERVICE, 145 Roadstown Road, Bridgeton, NJ 08302. Applicant's representative: William P. Doherty, Jr., 75 North Pearl Street, Bridgeton, NJ 08302. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* having a prior or subsequent movement by air, between Philadelphia International Airport and Northeast Airport, Philadelphia, Pa., and Cape May Counties, N.J., and return, for 180 days. Supporting shippers: Associated Air Freight, Inc., Township Square Building, Hook Road, Sharon Hill, Pa. 19079; Bor-Air Freight Co., Inc., Philadelphia International Airport, Philadelphia, Pa. 19153; Wits Air Cargo Service, Box 3805, Seattle, WA 98134; Jet Air Freight, Township Square Building, Sharon Hill, Pa. 19079; WTC Air Freight, International Airport, Philadelphia, Pa. 19153; Airborne Freight Corp., Hook & Calcon Hook Roads, Sharon Hill, Pa. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 109689 (Sub-No. 234 TA), filed June 2, 1972. Applicant: W. S. HATCH CO., 643 South 800 West Street, Woods Cross, UT 84087, Post Office Box 1825, Salt Lake City, UT 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Perlite*, in bulk and packages, from Salt Lake City, Utah, to points in Sweetwater County, Wyo., for 180 days. Supporting shipper: Acme Lite Wate Products, Inc., 330 West Hartwell Avenue, Salt Lake City, UT 84115 (Sheldon E. Elliott, President and General Manager). Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, Salt Lake City, Utah 84111.

No. MC 117765 (Sub-No. 146 TA), filed June 1, 1972. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Post Office Box 75267, Oklahoma City, OK. Applicant's representative: R. E. Hagan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal and charcoal products, wood chips, vermiculite, lighter fluid, and accessories* used in outdoor cooking, in mixed truckloads with charcoal and charcoal briquettes, from the plantsite of Husky Industries, Inc., Waupaca, Wis., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, and Texas, for 180 days. Supporting shipper: Husky Industries, Inc., Harvey E. Webb, Manager. Distribution and Purchasing, Post Office Box 380, Cody, WY 82414. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Northwest Third, Room 240, Old Post Office Building, Oklahoma City, Okla. 73102.

No. MC 126266 (Sub-No. 7 TA), filed May 31, 1972. Applicant: DUDLEY BOAT & TRAILER TRANSPORTATION, INC., 34622 West Valley Highway, Auburn, WA 98002. Applicant's representative: Joseph

[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.

O. Earp, 411 Lyon Building, Seattle, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles and pipe*, between points in Oregon and Washington, for 180 days. Supporting shippers: Alaska Steel Co., 2750 Southwest Moody, Portland, OR 97201; Beall Pipe and Tank Corp., 12005 North Burgard, Portland, OR 97203; Ez Loader Boat Trailers, North 700 Hamilton Street, Post Office Box 3263, Terminal Annex, Spokane, WA 99220; Gilmore Steel Corp., Post Office Box 03308, Portland, OR 97203; Industrial Export Co., 400 Board of Trade Building, Portland, Oreg. 97204; Lad Irrigation Co., East Broadway Extension, Post Office Box 880, Moses Lake, WA 98837; Northwest Pipe & Casing Co., 9200 Southeast Lawnfield Road, Clackamas, OR; Standard Steel Tube Supply, 2211 Northwest Front Avenue, Portland, OR 87209; the Coeur d'Alenes Co., Building 7, Spokane Industrial Park, Spokane, Wash. 99216. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 126312 (Sub-No. 3 TA), filed May 31, 1972. Applicant: ROMAINE O. COOK, doing business as ABLE MOBILE HOME TRANSPORTERS, 111 West River Road, Oscoda, MI 48750. Applicant's representative: Romaine O. Cook (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated canoes*, from Oscoda, Mich., to points in the United States (except Hawaii), for 180 days. Supporting shipper: Robert D. Gramprie, Sawyer Canoe Co., 234 State Street, Oscoda, MI 48750. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 128030 (Sub-No. 36 TA), filed May 31, 1972. Applicant: THE STOUT TRUCKING CO., INC., Post Office Box 177, Rural Route No. 1, Urbana, IL 61801. Applicant's representative: R. C. Stout (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Recycled and rebuilt vending machines*, from Champaign, Ill., to points in the United States, 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 128404 (Sub-No. 5 TA), filed June 5, 1972. Applicant: BLACKWOOD CRANE & TRUCK SERVICE, INC., Post Office Box 3037, 104 Bushee Road, Knoxville, TN 37920. Applicant's representative: Wayne R. Whaley, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from Knoxville, Tenn., to Middlesboro, Ky., for 180 days. Supporting shipper: Gaines Manufacturing Co., Case Goods Division, 2742 Hancock Street, Knoxville, TN 37901. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803 1808 West End Building, Nashville, TN 37203.

No. MC 129171 (Sub-No. 8 TA), filed June 2, 1972. Applicant: ARTHUR SHELLEY, Rural Delivery No. 2, Dallas, Pa. 18612. 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: *Candy and confectionery*, from Union, N.J., and international boundary between the United States and Canada at Niagara Falls, N.Y., to Portland, Oreg., Los Angeles, Calif., Seattle, Wash., and Salt Lake City, Utah, for 180 days. Supporting shipper: Ce De Candy, Inc., Post Office Box 271, 1091 Lousons Road, Union, NJ 07083. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interestate Commerce Commission, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 133436 (Sub-No. 17 TA), filed May 31, 1972. Applicant: DUDDEN ELEVATOR, INC., Post Office Box 60, 121 East Second Street, Ogallala, NE 69153. Applicant's representative: Richard A. Dudden (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pallets, pallet lumber, materials, and supplies* used in the manufacture of pallets and pallet lumber for the account of Consolidated Lumber Co., from Hornbeak, Tenn., and its commercial zone to points in Illinois, Indiana, Kentucky, Michigan, Missouri, and Ohio, for 180 days. Supporting shipper: Thomas G. Roberson, Consolidated Lumber Co., Route 1, Hornbeak, Tenn. 38232. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building and Courthouse, Lincoln, Nebr. 68508.

No. MC 133614 (Sub-No. 3 TA), filed June 1, 1972. Applicant: PAPPAS TRUCKING, INC., Post Office Box 8, Gering, NE 69341. Applicant's representative: Patrick E Quinn, Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Irrigation systems*, from the plantsite of Lockwood Corp., at or near Gering, Nebr., to points in Montana, Utah, Arizona, Colorado, North Dakota, South Dakota, Kansas, Oklahoma, Texas, Minnesota, Iowa, Illinois, Missouri, Arkansas, and Louisiana, and (2); *parts, equipment, materials, and supplies* used in irrigation systems, from the points in (1) above to the plantsite of Lockwood Corp., at or near Gering, Nebr. The operations sought are to be limited to a transportation service to be performed under a continuing contract with Lockwood Corp., Gering, Nebr., for 180 days. Supporting shipper: Lane Schenbeck, Traffic Manager, Lockwood Corp., Gering, Nebr. 69341. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building and Courthouse, Lincoln, Nebr. 68508.

No. MC 134820 (Sub-No. 2 TA), filed May 31, 1972. Applicant: ROBERT ALBRIGHT, 11271 Glendale Way, Seattle, WA 98168. Applicant's representative: Joseph O. Earp, 411 Lyon Building, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foundry supplies*, from Milwaukee, Wis., Conneaut and Mansfield, Ohio, Harrison, N.J., and Buffalo, N.Y., to Seattle, Wash., under continuing contract with Western Sand Division, Frank H. Jefferson, Inc.; and (2) *foundry supplies*, from Milwaukee, Wis., to Jerome, Idaho, Portland, Oreg., and Longview, Yakima, and Richland, Wash., under a continuing contract with Western Industrial Supply Co., for 180 days. Supporting shippers: Western Foundry Sand Division, 3300 First Avenue South, Seattle, Wash. 98134; Western Industrial Supply Co., 208 Southeast Hawthorne Boulevard, Portland, OR 97214. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 135234 (Sub-No. 7 TA), filed June 2, 1972. Applicant: COMMERCIAL CARTAGE, INC., Stop 24, Winfield Road, St. Albans, W. Va. 25177. Applicant's representative: Marvin L. Meadows (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electric, copper, and aluminum wire and cable, bare and insulated, aluminum and copper rod, steel and wood reel rod carriers, steel conduit, galvanized steel wire, and raw material*, moving on commercial bills of lading, between Ozard, Ala., Asceola, Ark., Carrollton and Cedar Springs, Ga., and Hawesville, Ky., on the one hand, and, on the other, all points East of the Mississippi River, and points in Arkansas, Louisiana, Missouri, and Texas, for 180 days. Supporting shipper: Southwire Co., Carrollton, Ga. Attention: Frank Jones, Director of Transportation. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Office Building, 500 Quarrier Street, Charleston, W. Va. 25301.

No. MC 136559 TA, filed May 30, 1972. Applicant: EDGAR H. CARTHELL doing business as EL CARTHELL TRUCKING, 15232 Southeast 272, Kent, WA 98031. Applicant's representative: Edgar H. Carthell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cedar shakes and trim lumber*, from points in Washington to points in Oregon, California, Idaho, Utah, Wyoming, Colorado, Nevada, Arizona, and New Mexico, for 180 days. Supporting shipper: Washington Cedar & Supply, 223 West Smith Street, Kent, WA

98031. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 136747 (Sub-No. 1 TA), filed May 31, 1972. Applicant: GLENARA, LTD., 3019 37th Street, Long Island City, NY 11103. Applicant's representative: Arthur J. Piken, 1 Lefrak City Plaza, Flushing, NY 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated concrete paving units*, from Ridgefield Park, N.J., to points in the commercial zones of Boston, Mass., Philadelphia and Pittsburgh, Pa., New York, Syracuse, Buffalo, Albany, and counties of Nassau and Suffolk, N.Y.; Hartford, Conn., Greensboro and Winston-Salem, N.C., Chicago, Ill., Cleveland, Ohio; and Washington, D.C., for 180 days. Supporting shipper: Peitz Industries, Inc., Industrial Park, Ridgefield Park, N.J. 07660. Send protests to: Thomas W. Hopp, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 136753 TA, filed June 1, 1972. Applicant: EASTERN WASHINGTON DISTRIBUTING CO., INC., 1208 North First Avenue, Yakima, WA 98901. Applicant's representative: Philip G. Skofstad, 4410 Northeast Fremont Street, Portland, OR 97213. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wine*, from Chicago, Ill., and its commercial area to points in the State of Washington; and (2) *spoiled or refused shipments*, from points in the State of Washington to Chicago, Ill., and its commercial area, for 180 days. Supported by: There are approximately 11 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 136754 TA, filed June 1, 1972. Applicant: CAL-EAST CARRIERS, INC., 1324 Donna Beth Street, West Covina, CA 91791. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Components and materials* used in the manufacture and production of motor vehicle parts, from points in southeastern Michigan and western New York, located along the United States-Canada international boundary, and points in Macomb, Monroe, and Wayne Counties, Mich., to the plantsites and places of business of the Watts Manufacturing Co., located in Los Angeles County, Calif., for 180 days. Supporting shipper: Watts Manufacturing Corp., 1901 West El Segundo Boulevard, Compton, CA 90222. Send protects to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 136756 TA, filed May 31, 1972. Applicant: E. J. MEHRER, doing business as EDWIN J. MEHRER TRUCKING CO., Seventh and Railroad Avenue, Ellensburg, Wash. 98926. Applicant's representative: Edwin J. Mehrer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk or sacked feed ingredients*, from points in California and Oregon to points in Oregon and Washington, for 180 days. Supporting shippers: H. J. Stoll & Sons, Inc., 2320 Southeast Grand Avenue, Portland, OR 97214; A. R. Smith & Co., Inc., 919 Houser Way North, Renton, WA 98055; The White-Dulany Co., Post Office Box 364, Ellensburg, WA 98926; Schaake Packing Co., Inc., Post Office Box 128, Ellensburg, WA 98926; Peavey Co., 1100 Board of Trade Building, Portland, Oreg. 97204. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 136768 TA, filed June 5, 1972. Applicant: WALTER G. ECTON, doing business as ECTON MOVERS, 29 Depot Street, Winchester, KY 40391. Applicant's representative: Walter G. Ecton (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, material, and supplies, including tools* used in the construction and maintenance of telephone systems and communications, between Winchester, Ky., and points in counties of Bath, Bourbon, Breathitt, Bracken, Clark, Clay, Estill, Fayette, Fleming, Grant, Harrison, Jessamine, Lee, Leslie, Madison, Mason, Menifee, Montgomery, Nicholas, Owsley, Pendleton, Perry, Powell, Robertson, Rowan, Scott, Woodford, and Wolfe, for 180 days. Supporting shipper: J. F. Ballard, Resident Transportation Manager, Southern Region, Western Electric Co., 6701 Roswell Road NE., Atlanta, GA 30328. Send protests to: R. W. Schneiter, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 222 Bakhaus Building, 1500 West Main Street, Lexington, KY 40505.

No. MC 136769 TA, filed June 1, 1972. Applicant: POP TRUCKING, INC., 20 North Main Street, Cornelia, GA 30531. Applicant's representative: Guy H. Postell, Suite 713, 3384 Peachtree Road, NE., Atlanta, GA 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Nonalcoholic beverages*, in containers, and *nonalcoholic beverage concentrate and syrup*, other than frozen, in containers, from Augusta, Ga., and Inman, S.C., to points in Alabama, Florida, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia; and (2) *materials, supplies, and equipment* used in the production and distribution of nonalcoholic beverages (except commodities in bulk), from the destination points described above, to Augusta, Ga., and Inman, S.C. Restriction: The service authorized herein is subject to the following conditions: The operations authorized herein are limited to transportation service to be performed, under a continuing contract, or contracts with Custom Canners, Inc., of Gwinnett County, Ga. The authority granted herein shall be subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions, or limitations in the future as it may find necessary in order to insure that carrier's operations shall conform to the provisions of section 210 of the Act. The operations authorized herein are subject to the conditions that any transportation service performed by the carrier from and to the points set forth above shall only be performed under authority of and in accordance with the terms, express or implied, of the permit issued hereunder, for 180 days. Supporting shipper: Custom Canners, Inc., Post Office Box 29542, Atlanta, GA 30329. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree Street NW., Room 300, Atlanta, GA 30309.

No. MC 136770 TA, filed June 2, 1972. Applicant: W. D. SMITH TRUCK LINE, INC., Post Office Drawer 68, De Queen, AR 71832. Applicant's representative: Louis Tarlowski, Pyramid Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk cartons* (boxes, pulpboard or fiberboard, other than corrugated, knocked down, flat, or folded flat), from the plantsite of Georgia-Pacific Corp. at or near Crossett, Ark., to Memphis, Tenn., Fort Myers, Miami, and St. Petersburg, Fla., and the commercial zones of each, for 180 days. Supporting shipper: Georgia-Pacific Corp., Post Office Box 520, Crossett, AR 71635. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

By the Commission.

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

[FR Doc. 72-9360 Filed 6-20-72;8:51 am]

FOURTH SECTION APPLICATION FOR RELIEF

JUNE 16, 1972.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publica-

tion of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42454—*Boards or sheets from points in southwestern territory.* Filed by Southwestern Freight Bureau, agent (No. B-320), for interested rail carriers. Rates on boards or sheets, in carloads, as described in the application, from points in southwestern territory, to points in southern territory.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 100 to Southwestern Freight Bureau, agent, tariff ICC 4607. Rates are published to become effective on July 23, 1972.

By the Commission.

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

[FR Doc.72-9354 Filed 6-20-72;8:50 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JUNE 16, 1972.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by § 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Tennessee Docket No. MC 4610 (Sub-No. 4), filed December 28, 1971. Applicant: HUMBOLDT EXPRESS, INC., Faydur Court, Nashville, Tenn. 37211. Applicant's representative: Walter Hardwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Certificate of public convenience and necessity sought to operate an amended freight service as follows: Transportation of *general commodities*, except those of unusual value, classes A and B explosives, household goods, commodities in bulk, and commodities requiring special equipment. (1) Between Nashville and Bristol, Tenn.: From Nashville via Interstate 40 to its junction with Interstate 81, thence via Interstate 81 to Bristol, Tenn., and return serving all intermediate points on and east of U.S. Highway 25-E; (2) between Greenville and Rogersville, Tenn., via Tennessee Highway 70, serving all intermediate points; (3) between Greenville and Kingsport, Tenn., via Tennessee Highway 93, serving all intermediate points; (4) between Greenville and Bristol, Tenn., via U.S. Highway 11-E, serving all intermediate points; (5) between Johnson City and Elizabethton, Tenn., via U.S. Highway 67, serving all intermediate points; (6) between Erwin and Kingsport, Tenn., via U.S. 23, serving all intermediate points; (7) between Rogersville and Bristol, Tenn., via U.S. Highway 11-W serving all intermediate points; (8) between Erwin and junction of Tennessee Highway 81 and Tennessee Highway 93 via Tennessee Highway 81, serving all intermediate points; (9) between Nashville and Greenville, Tenn.: From Nashville via Interstate 40 to its junction with unnumbered road at or near Ozone, Tenn., thence via unnumbered road to its junction with U.S. Highway 70 approximately 5 miles west of Rockwood, thence via U.S. Highway 70 to its junction with U.S. Highway 27, thence via U.S. Highway 27 to its junction with Interstate 40 approximately 8 miles northeast of Rockwood, thence via Interstate 40 to its junction with U.S. Highway 411 at or near Newport, Tenn., thence via U.S. Highway 411 to Greenville, Tenn., serving Newport, Tenn., and all intermediate points between Newport and Greenville, and serving Knoxville for joinder only; (10) between Knoxville and Greenville, Tenn., via U.S. Highway 11-E, serving Jefferson City and all intermediate points between Jefferson City and Greenville, and serving Knoxville for joinder only; and (11) between Morristown and Newport, Tenn., via U.S. Highway 25-E, serving all intermediate points. All of said routes to be used in conjunction with applicant's present authority, and in conjunction with each other. If and when Interstate 40 is opened all the way between Nashville and Knoxville, that portion of Route 9 between Nashville and Knoxville may be canceled, with Knoxville then being served for joinder only. Both intrastate and interstate authority sought.

HEARING: June 26, 1972, 9:30 a.m., at C1-110 Cordell Hull Building, Nashville, Tenn. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Tennessee Public Service Commission, C1-102 Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

California Docket No. 53357 dated May 26, 1972. Applicant: CALIFORNIA MAIL DELIVERY SERVICE, 555 Illinois Street, San Francisco, CA 94107. Applicant's representative: Marvin Handler, 405 Montgomery Street, Suite 1400, San Francisco, CA 94104. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except petroleum products in bulk, in tank vehicles, livestock, fresh fruits and vegetables, commodities of unusual value, uncrated used household goods, and commodities requiring mechanically refrigerated equipment: (A) Between all points in San Francisco territory, as more particularly described as follows: San Francisco Territory includes all the city of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County boundary line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Co. right-of-way at Arastradero Road; southeasterly along the Southern Pacific Co. right-of-way to Pollard Road, including industries served by the Southern Pacific Co. spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to West Parr Avenue; easterly along West Parr Avenue to Capri Drive; southerly along Capri Drive to East Parr Avenue; easterly along East Parr Avenue to the Southern Pacific Co. right-of-way; southerly along the Southern Pacific Co. right-of-way to the Campbell-Los Gatos city limits;

Easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the city of Richmond; southwesterly along the highway extending from the city of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco waterfront at the foot of Market Stree; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning.

(B) Between all points on and within the following routes: (1) U.S. Highway 101, between San Francisco and Sausalito, inclusive; (2) Interstate Highway

clusive; (3) unnumbered road and route 80, between San Pablo and Crockett, inbetween Crockett and Martinez, inclusive; (4) unnumbered road and route between Martinez and Pittsburg, inclusive; (5) unnumbered road and route between Pittsburg and Antioch, inclusive; (6) State Highway 4 between Antioch and the Willow Pass Road Intersection, inclusive; (7) Willow Pass Road between the intersection of Highway 4 and the intersection of State Highway 24, inclusive; (8) State Highway 4 between its intersection with Willow Pass Road and its intersection with Port Chicago Highway, inclusive; (9) unnumbered road and route between its intersection with State Highway 4 and its intersection with Interstate Highway 680, inclusive; (10) State Highway 4 between the intersection with Port Chicago Highway and its intersection with State Highway 24, inclusive; (11) State Highway 24 between its intersection with State Highway 4 and its intersection with Interstate Highway 680, inclusive; (12) Interstate Highway 680 between its intersection with State Highway 24 and its intersection with U.S. Highway 50 at Dublin; (13) Interstate 680 between its intersection with U.S. Highway 50 at Dublin and its intersection at Bernal Avenue, inclusive; (14) Bernal Avenue between its intersection with Interstate Highway 680 and the city of Pleasanton, inclusive, and (15) Interstate Highway 680 between its intersection with U.S. Highway 50 at Dublin and its intersection with State Highway 238 at Mission San Jose. (C) Through routes and rates may be established between any and all points specified in paragraphs A and B above, and (D) All intermediate points on said routes and all off-route points within the outer perimeters of the routes designated herein may be served. Both intrastate and interstate authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the California Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, CA 94102, and should not be directed to the Interstate Commerce Commission.

California Docket No. 53358, filed May 26, 1972. Applicant: C. N. BATES DRAYAGE, INC., 649 Brannon Street, San Francisco, CA 94107. Applicant's representative: Marshall G. Berol, 100 Bush Street, San Francisco, CA 94107. Certificate of public convenience and necessity sought to operate a freight in lieu and in expansion of its existing certificated authority service as follows: Transportation of *general commodities,* except the following: (a) Used household goods and personal effects not packed in accordance with the crated property requirements; (b) automobiles, trucks, and buses; (c) livestock; (d) commodities requiring the use of special refrigeration or temperature control in specially designated and constructed refrigerator equipment; (e) liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles; (f) commodities when transported in bulk in dump trucks or hopper-type trucks; (g) commodities when transported in motor vehicles equipped for mechanical mixing in transit; (h) logs; (i) articles of extraordinary value. Between all points and places on and within the following routes and laterals: (1) U.S. Highway 101 between San Rafael and San Jose, inclusive, and points within 10 miles of said route; (2) California Highway 17 between San Rafael and Los Gatos, inclusive, and points within 5 miles of said route; (3) Interstate Highway 80 between San Francisco and Crockett, inclusive, and points within 10 miles of said route; (4) California Highway 4 between Pinole and junction with Interstate Highway 680, inclusive, and points within 5 miles of said route; (5) California Highway 24 between Oakland and junction with California Highway 4, inclusive. Restrictions: (1) Commodities shall not be transported when in cargo containers. (2) No shipments shall be transported to, from, or between points in Solano County, Calif. In performing the service herein authorized, applicant may make use of any and all streets, roads, highways, and bridges necessary or convenient for the performance of said service. Both intrastate and interstate authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the California Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, CA 94102, and should not be directed to the Interstate Commerce Commission.

California Docket No. A 53360, dated May 25, 1972. Applicant: PRESTO DELIVERY SERVICE, INC., 533 South Colyton Street, Los Angeles, CA 90058. Applicant's representative: Donald Murchison, 9454 Wilshire Boulevard, Suite 400, Beverly Hills, CA 90212. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation as a highway common carrier, of general commodities between the points below: Between: (a) All points and places within the "Los Angeles Territory"; (b) the "Los Angeles Territory," on the one hand, and points and places within the "Los Angeles Basin Territory," on the other hand; and (c) the "Los Angeles Basin Territory," on the one hand, and points and places within the "San Diego Territory," on the other hand, serving all intermediate points on Interstate Highway 5, 15, or U.S. Highway 395 and off-route points within 10 miles thereof. "Los Angeles Territory" is described as follows: Beginning at the intersection of Sunset Boulevard and U.S. Highway No. 101 Alternate; thence northeasterly on Sunset Boulevard to State Highway No. 7; northerly along State Highway No. 7 to State Highway No. 118; northeasterly along State Highway No. 118 through and including the city of San Fernando; continuing northeasterly and southeasterly along State Highway No. 118 to and including the city of Pasadena; easterly along Foothill Boulevard from the intersection of Foothill Boulevard and Michillinda Avenue to Valencia Way; northerly on Valencia Way to Hillcrest Boulevard; easterly and northeasterly along Hillcrest Boulevard to Grand Avenue; easterly and southerly along Grand Avenue to Greystone Avenue; easterly on Greystone Avenue to Oak Park Lane; easterly on Oak Park Lane and the prolongation thereof to the west side of the Sawpit Wash; southerly along the Sawpit Wash to the north side of the Pacific Electric Railway right of way; easterly along the north side of the Pacific Electric Railway right of way to Buena Vista Street; south and southerly on Buena Vista Street to its intersection with Meridian Street; due south along an imaginary line to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Beverly Boulevard; southeasterly on Beverly Boulevard to Painter Avenue in the city of Whittier; southerly on Painter Avenue to Telegraph Road; westerly on Telegraph Road to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Imperial Highway; westerly on Imperial Highway to State Highway No. 19; southerly along State Highway No. 19 to its intersection with U.S. Highway No. 101 Alternate, at Ximeno Street; southerly along Ximeno Street and its prolongation to the Pacific Ocean; westerly and northerly along the shoreline of the Pacific Ocean to a point directly south of the intersection of Sunset Boulevard and U.S. Highway No. 101 Alternate; thence northerly along an imaginary line to point of beginning.

Los Angeles Basin Territory is described as follows: Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway No. 118, approximately 2 miles west of Chatsworth; easterly along State Highway No. 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the city of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U.S. Highway No. 99; northwesterly along U.S. Highway No. 99 to the

corporate boundary of the city of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U.S. Highway No. 60; southwesterly along U.S. Highways Nos. 60 and 395 to the county road approximately 1 mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the city of San Jacinto; easterly, southerly, and westerly along said corporate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to State Highway No. 74; westerly along State Highway No. 74 to the corporate boundary of the city of Hemet; southerly, westerly, and northerly along said corporate boundary to the right of way of the Atchison, Topeka & Santa Fe Railway Co.; southwesterly along said right of way to Washington Avenue; southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the county road intersecting U.S. Highway No. 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U.S. Highway No. 395; southeasterly along U.S. Highway No. 395 to the Riverside County-San Diego County boundary line; westerly along said boundary line to the Orange County-San Diego County boundary line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning.

San Diego Territory is described as follows: Includes that area embraced by the following imaginary line starting at the northerly junction of U.S. Highways 101–E and 101–W (4 miles north of La Jolla); thence easterly to Miramar on State Highway No. 395; thence southeasterly to Lakeside on the El Cajon-Ramona Highway; thence southerly to Bostonia on U.S. Highway No. 80; thence southeasterly to Jamul on State Highway No. 94; thence due south to the international boundary line, west to the Pacific Ocean and north along the coast to point of beginning. *Excepted commodities:* (a) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10–C of Minimum Rate Tariff No. 4–A; (B) automobiles, trucks, and buses, viz.: New and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis; (c) livestock viz.: Bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine; (d) commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerated equipment; (e) liquids, compressed gases, commodities in semiplastic form and commodities in suspension, in liquids, in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles; (f) commodities when transported in bulk, in dump trucks or in hopper-type trucks; and (g) commodities when transported in motor vehicle equipped for mechanical mixing in transit. Both intrastate and interstate authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the California Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, CA 94102, and should not be directed to the Interstate Commerce Commission.

California Docket No. 53383, filed June 7, 1972. Applicant: HARDING'S FREIGHT SERVICE, 1249 West Washington Avenue, Escondido, CA 92025. Applicant's representative: R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, CA 90017. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except the following: (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10–C of Minimum Rate Tariff No. 4–A; (2) automobiles, trucks, and buses, viz.: New and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses, and bus chassis; (3) livestock, viz.: Bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags, or swine; (4) commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerated equipment; (5) liquids, compressed gases, commodities in semiplastic form and commodities in suspension, in liquids, in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles; (6) commodities when transported in bulk, in dump trucks or in hopper-type trucks; (7) commodities when transported in motor vehicles equipped for mechanical mixing in transit; (8) logs; (9) explosives and other dangerous articles as described in and subject to the regulations of Agent H. A. Campbell's Tariff No. 10; and (10) newspapers. (1) Between all points and places within the county of San Diego; (2) between San Diego and Devroe, serving all intermediate points on Interstate Highway 15 (U.S. Highway 395) and all off-route points located within 10 miles laterally of said highway (except those in the San Bernardino National Forest); and (3) through routes and rates may be established between any and all points specified in subparagraphs 1 and 2 above. Both intrastate and interstate authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the California Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, CA 94102.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72–9355 Filed 6–20–72;8:51 am]

[Notice 17]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JUNE 16, 1972.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC–1515 (Deviation No. 619) (Cancels Deviation No. 412), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, OH 44113, filed May 31, 1972. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From St. Louis, Mo., over Interstate Highway 55 to Memphis, Tenn. (operating over U.S. Highway 61 where portions of Interstate Highway 55 is not completed), with the following access routes: Operating over access and egress routes to cities and towns served on applicant's authorized service route, between St. Louis and Festus, Mo., on U.S. Highway 67, and between Jackson and Cape Girardeau, Mo., and Memphis,

Tenn., on U.S. Highway 61, including Jackson and Cape Girardeau, Mo. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From St. Louis, Mo., over U.S. Highway 67 to junction Missouri Highway 72 near Fredericktown, Mo., thence over Missouri Highway 72 to junction U.S. Highway 61 at Jackson, Mo., thence over U.S. Highway 61 via Cape Girardeau, Mo., to Memphis, Tenn., and return over the same route.

No. MC–109870 (Deviation No. 42), CONTINENTAL TRAILWAYS, INC., 300 South Broadway Avenue, Wichita, KS 67202, filed June 7, 1972. Carrier's representative: H. Van Ingelgum, 1501 South Central Avenue, Los Angeles, CA 90021. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Stockton, Calif., over Interstate Highway 5 to South French Camp Junction, Calif., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Los Angeles, Calif., over California Highway 99 (formerly U.S. Highway 99) via Lerdo, Tulare, and Manteca, Calif., to Stockton, Calif., thence over U.S. Highway 50 to San Francisco, Calif., and (2) from Manteca, Calif., over California Highway 120 to junction U.S. Highway 50, and return over the same routes.

By the Commission.

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

[FR Doc.72–9356 Filed 6–20–72;8:51 am]

[Notice 18]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JUNE 16, 1972.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC–10472 (Deviation No. 3), BYERS TRANSPORTATION COMPANY, INC., 4200 Gardner Avenue, Kansas City, MO 64120, filed May 26, 1972. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Omaha, Nebr., over U.S. Highway 275 to junction Interstate Highway 29, thence over Interstate Highway 29 to junction U.S. Highway 34, thence over U.S. Highway 34 to junction U.S. Highway 275, thence over U.S. Highway 275 to junction U.S. Highway 59, thence over U.S. Highway 59 to junction Interstate Highway 29, thence over Interstate Highway 29 to junction U.S. Highway 71 (approximately 3 miles north of St. Joseph, Mo.), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Omaha, Nebr., over city streets to junction Iowa Highway 92, thence over Iowa Highway 92 to junction U.S. Highway 59, thence over U.S. Highway 59 to junction Iowa Highway 2, thence over Iowa Highway 2 to junction U.S. Highway 71, thence over U.S. Highway 71 to junction Interstate Highway 29 (approximately 3 miles north of St. Joseph, Mo.), and return over the same route.

No. MC–20872 (Deviation No. 1), LIME CITY TRUCKING COMPANY, INCORPORATED, 1455 Swan Street, Huntington, IN 46750, filed May 22, 1972. Carrier's representative: Louis E. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Warsaw, Ind., over U.S. Highway 30 to junction Interstate Highway 65, thence over Interstate Highway 65 to junction U.S. Highway 6 in Gary, Ind., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Warsaw, Ind., over Indiana Highway 15 to junction U.S. Highway 6, thence over U.S. Highway 6 to Gary, Ind., and return over the same route.

No. MC–39300 (Deviation No. 6), MIDDLE STATES MOTOR FREIGHT, INC., 5723 Estes Avenue, Cincinnati, Ohio 45232, filed May 31, 1972. Carrier's representative: Jack B. Josselson, 700 Atlas Bank Building, 524 Walnut Street, Cincinnati, OH 45202. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Columbus, Ohio, over U.S. Highway 33 to Fort Wayne, Ind., thence over U.S. Highway 30 to Chicago, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Columbus, Ohio, over U.S. Highway 40 to Indianapolis, Ind., thence over U.S. Highway 52 to junction U.S. Highway 41, thence over U.S. Highway 41 to Chicago, Ill., and return over the same route.

No. MC 48958 (Deviation No. 34), ILLINOIS - CALIFORNIA EXPRESS, INC., Post Office Box 9050, Amarillo, TX 79105, filed May 31, 1972. Carrier's representative: Morris G. Cobb, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Fort Worth, Tex., over Interstate Highway 20 (U.S. Highway 80) to junction Interstate Highway 10, thence over Interstate Highway 10 (U.S. Highway 80 and Arizona Highway 93) to junction Interstate Highway 8, thence over Interstate Highway 8 (U.S. Highway 80 and Arizona Highway 84) to San Diego, Calif., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Amarillo, Tex., over U.S. Highway 287 via Wichita Falls, Tex., to Rhome, Tex., thence over Texas Highway 114 to Dallas, Tex.; (2) from Fort Worth, Tex., over U.S. Highway 81 to Rhome, Tex.; (3) from Amarillo, Tex., over U.S. Highway 66 to San Jon, N. Mex.; (4) from Tucumcari, N. Mex., over U.S. Highway 66 to San Jon, N. Mex.; (5) from Moriarty, N. Mex., over U.S. Highway 66 to Tucumcari, N. Mex.; (6) from Albuquerque, N. Mex., over U.S. Highway 66 to Moriarty, N. Mex.; (7) from Los Angeles, Calif., over U.S. Highway 66 via San Bernardino, Calif., to Albuquerque, N. Mex.; (8) from Colton, Calif., over U.S. Highway 99 to Indio, Calif., thence over U.S. Highway 60 to Wickenburg, Ariz.; and (9) from San Diego, Calif., over U.S. Highway 395 to junction California Highway 79, thence over California Highway 79 to Colton, Calif., and return over the same routes.

No. MC–63562 (Deviation No. 2), BN TRANSPORT INC., 796 South Pearl Street, Galesburg, IL 61401, filed May 24, 1972. Carrier's representative: Larry J. Schwarz, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Kansas City, Mo., over city streets to Interstate Highway 29, thence over Interstate Highway 29 to junction U.S. Highway 71 north of St. Joseph, Mo., thence over U.S. Highway 71 to junction Missouri Highway 148, thence over Missouri Highway 148 to the Missouri-Iowa State line, thence over Iowa High-

way 148 to junction Iowa Highway 49, thence over Iowa Highway 49 to Lenox, Iowa, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From St. Joseph, Mo., over U.S. Highway 169 to junction U.S. Highway 136, thence over U.S. Highway 136 to junction U.S. Highway 69, (2) from Kansas City, Mo., over U.S. Highway 71 to junction city U.S. Highway 71, thence over city U.S. Highway 71 to St. Joseph, Mo., thence over U.S. Highway 36 to Jacksonville, Ill., (3) from Kansas City, Mo., over U.S. Highway 69 to Des Moines, Iowa, (4) from Chicago, Ill., over U.S. Highway 34 to junction Illinois Highway 65, thence over Illinois Highway 65 to Aurora, Ill., thence over Illinois Highway 31 to junction U.S. Highway 34 (also from junction U.S. Highway 34 and Illinois Highway 65 over U.S. Highway 34 to junction Illinois Highway 31), thence over U.S. Highway 34 to Glenwood, Iowa, thence over U.S. Highway 275 to junction Iowa Highway 375, thence over Iowa Highway 375 to Council Bluffs, Iowa, thence over U.S. Highway 6 to Omaha, Nebr., (5) from Corning, Iowa, over Iowa Highway 148 to Bedford, Iowa, thence over Iowa Highway 2 to Shenandoah, Iowa, thence over Iowa Highway 48 to Red Oak, Iowa, (6) from Lenox, Iowa, over Iowa Highway 49 to junction U.S. Highway 34, and (7) from Lenox, Iowa, over Iowa Highway 49 to Bedford, Iowa, and return over the same routes.

By the Commission.

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

[FR Doc.72-9357 Filed 6-20-72;8:51 am]

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PART II

DEPARTMENT OF TRANSPORTATION

■

FEDERAL AVIATION ADMINISTRATION

■

Certification and Operations

Land Airports Serving CAB-Certificated Scheduled Air Carriers

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 10607]

PART 139—CERTIFICATION AND OPERATIONS: LAND AIRPORTS SERVING CAB-CERTIFICATED SCHEDULED AIR CARRIERS OPERATING LARGE AIRCRAFT (OTHER THAN HELICOPTERS)

The purpose of this part is to provide for the issue of airport operating certificates to land airports serving scheduled air carriers that hold certificates of public convenience and necessity issued by the Civil Aeronautics Board and operate large aircraft (other than helicopters) into those airports.

Interested persons have been afforded an opportunity to participate in the making of these regulations by a notice of proposed rule making. (Notice 71–14) issued on May 10, 1971, and published in the FEDERAL REGISTER on May 14, 1971 (36 F.R. 8880). Due consideration has been given to all comments presented in response to that notice.

As stated in Notice 71–14, section 51 of the Airport and Airway Development Act of 1970 added to the Federal Aviation Act of 1958 a new section 612 that authorizes the Administrator to issue airport operating certificates to airports serving air carriers certificated by the Civil Aeronautics Board, and to establish minimum safety standard for the operation of these airports. Section 612 originally provided that such terms, conditions, and limitations as are reasonably necessary to assure safety in air transportation must be prescribed, including those relating to the installation, operation, and maintenance of adequate air navigation facilities, and to the operation and maintenance of adequate safety equipment. Under Public Law 92–174, approved November 27, 1971, the reference in section 612(b) of the Act to air navigation facilities has been removed and a new provision added stating that, "[U]nless the Administrator determines that it would be contrary to the public interest, such terms, conditions, and limitations shall include but not be limited * * *" to those relating to adequate safety equipment.

Any person desiring to operate an airport of the kind involved may apply to the Administrator for an airport operating certificate, and the Administrator is directed to issue the certificate if he finds, after investigation, that that person is properly and adequately equipped to conduct a safe operation. The 1970 Act also added to section 610(a) of the Federal Aviation Act of 1958 a provision prohibiting any person from operating an airport of the kind involved without an airport operating certificate, or in violation of the terms of the certificate. This prohibition, as stated in the 1971 amendment, is effective May 21, 1973.

Also as stated in Notice 71–14, this part applies only to airports that regularly serve scheduled air carriers operating large aircraft (aircraft of more than 12,500 pounds, maximum certificated takeoff weight), other than helicopters. The words "land" and "into those airports" have been added in the applicability section (§ 139.1) to clarify this in two respects. It is not intended to cover seaplane bases by this part. Nor is it intended to cover by this part airports that serve only small aircraft operated by air carriers that operate large aircraft into other airports.

Further rules will be developed, as soon as possible and in such depth as will comply with the legislative mandate, as to all other airports serving air carriers certificated by the Civil Aeronautics Board. In addition, action will be taken to amend Part 121 of the Federal Aviation Regulations to prohibit operations by air carriers, after May 20, 1973, into airports that do not hold airport operating certificates.

Approximately 170 public comments were received in response to Notice 71–14. The proposals of most concern were those having the highest potential economic impact, namely, the requirements for airport firefighting and rescue equipment and service, and for public protection. For the most part, this concern was based upon the airport operators' estimates of what it would cost to provide that equipment and service, and to fence the airport. These estimates were high, due in part to misunderstanding regarding the use of volunteer firefighters instead of paid professionals (§ 139.49), and the difference between the cost of a fence that would prevent "inadvertent" entry to air operations areas and one that would prevent "unauthorized" entry (proposed § 139.67). In addition, these commentators did not recognize, in their cost estimates, the fact that both airport firefighting and rescue equipment and fencing are eligible items under the airport development aid program.

The rules now issued for these two areas of most concern have been changed, after further consideration, to clarify and somewhat relax the requirements. Thus, § 139.49 (airport firefighting and rescue equipment and service) does not require firefighting and rescue personnel to be "in the employ" of the airport operator. This accommodates the use of volunteers and personnel provided through contracts with the military or other agencies, as well as salaried employees of the airport itself. The same change has been made in § 139.23 (Personnel), that applies generally to available personnel. Section 139.65 (Public protection), as issued, has been changed to require safeguards to guard only against the inadvertent entry of persons or large domestic animals (not wild animals or small ones) into air operations areas (now defined in § 139.1 as "an area of the airport used or intended to be used for landing, takeoff, or surface maneuvering of aircraft.") It is recognized, as asserted by commentators, that protective devices could not be made completely person or animal proof.

One rule proposed by Notice 71–14 has been omitted from the part as issued. Proposed § 139.61 (Control tower visibility) would have required the applicant for an airport operating certificate for an airport with an air traffic control tower to show certain "line of sight" from the tower. Most of the commentators on this item opposed it, generally asserting that full responsibility should not be placed upon the airport instead of sharing it with the FAA, who controls the siting, height, and operation of the tower; in most cases substantial redesign and construction would be required to effectively improve the existing line-of-sight situation; existing tower location and height should not be allowed to impede or control future desirable airport construction and development; weather factors such as fog, rain, snow, and dust preclude clear line of sight to portions of the airport, approach zone, and traffic pattern; and the regulations should not close the door to the use of closed circuit television, airport surface traffic control systems, and other future advances in technology. In the light of these comments and further consideration, it has been determined that the provision need not be included here as a certification item, particularly since the FAA funds and builds these tower facilities, and contractual agreements between the FAA and the airport operators can be the means of obtaining control tower visibility. With the elimination of this provision, the sections that followed it in Subpart D according to Notice 71–14 have been renumbered accordingly.

In the light of the public comments, and after further consideration, additional appropriate changes, none of them beyond the scope of Notice 71–4, have been made in the provisions as issued. Thus, as a clarifying provision, the word "airport" is added to "operations manual." The changes of substance are discussed here according to the particular section of this part involved.

As to Subpart B (Certification). Commentators generally felt they could not prepare the application and manual within the 60 days following the effective date of the part (§ 139.13). This has been changed to provide for application within 120 days.

As proposed, the contents of airport operating certificates (§ 139.15) would include "the kinds of operations authorized for use by the certificate." Some commentators questioned the meaning of this provision. It has been determined not to specify "kinds of operations" on the certificate, and this item has been eliminated. Some commentators questioned the requirements for "airport limitations" on the certificate. However, this provision is considered an appropriate content of the certificate and, as issued, the rule requires it.

A number of commentators asserted that the right to deviate from the operating rules in an emergency should not require authorization from the Administrator for the particular deviation. As issued, § 139.21 provides that in emergency conditions a certificate holder may deviate from any operations requirement

requiring the transportation of persons or supplies for the protection of life or property, and that in such case he must report the deviation in writing to the FAA as soon as practicable.

As stated above, the proposals of most concern to the commentators on Notice 71-14 were those having the highest potential economic impact, namely, the requirements for airport firefighting and rescue equipment and service, and for public protection. Moreover, the 1971 amendment to section 612(b) of the Act specifically provides that the terms, conditions, and limitations on each airport operating certificate that are "reasonably necessary to assure safety in air transportation" shall include those relating to adequate safety equipment "unless the Administrator determines that it would be contrary to the public interest." In view of these considerations, § 139.19 as issued specifically provides for petitions for exemption from the safety equipment requirements of § 139.49 (Airport firefighting and rescue equipment and service), § 139.53 (Traffic and wind direction indicators), and § 139.65 (Public protection), on the grounds that compliance would be contrary to the public interest. Petitions will be submitted and processed under Part 11 (General Rule Making Procedures) of the Federal Aviation Regulations. As to an airport that is in operation before the effective date of this part, a petition for exemption from the safety equipment requirements must be submitted no later than 60 days after that effective date. In this way, a favorable determination may be reflected in the airport operations manual when approved. As to an airport that is not in operation on the effective date of this part, an 180-day leadtime is provided. As required by Part 11, a petition must contain any information, views, or arguments available to the petitioner to support the action sought, the reasons why the granting of the request would be in the public interest and, if appropriate, the reason why the exemption would not adversely affect safety or the action to be taken by the petitioner to provide a level of safety equal to that provided by the rule from which the exemption is sought. If the FAA determines that the petition discloses adequate reasons and that it is not contrary to the public interest, it will grant the exemption. If the FAA determines that the petition does not justify granting the requested exemption, it will deny the exemption.

In making its determination as to whether the granting of an exemption from a safety equipment requirement would be contrary to the public interest, the FAA will of course consider of prime importance the basic standard of section 612(b) requiring such terms, conditions, and limitations for each airport operating certificate that are reasonably necessary to assure safety in air transportation. However, in recognition of the numerous comments concerning the economic impact of these requirements, the FAA considers it appropriate to make it clear that it will also consider the economic burden of compliance with the minimum standards of the regulations related to safety equipment. This is consistent with the declaration of policy in section 103(b) of the Federal Aviation Act of 1958 stating that the "promotion, encouragement, and development of civil aeronautics" is to be considered as being in the public interest. Of course, relief by exemption may be applied for under Part 11 at any time in situations other than those covered by § 139.19.

As to Subpart C (Airport Operations Manual). A number of comments concerned the required contents of the manual (§ 139.33). Some suggested removing "traffic patterns" from the required contents of the manual because the FAA prescribes these in Part 91 of the Federal Aviation Regulations. This language has been dropped, but there has been substituted "arrival and departure routes in the immediate vicinity of the airport" as an item of airport familiarization that would, in the training process, provide airport employees with information on the problems associated with the terrain features around the airport and those areas where most accidents may occur. Some commentators also suggested removing separate descriptions of air operations areas and other areas, and appropriate references to the Federal Aviation Regulations, as matters that would impose a large workload with very little justification. These suggestions have been adopted. As proposed, this section would require the manual to include a current utility layout plan for the airport. A number of commentators objected to this requirement because it would entail too bulky an item for inclusion in the manual. This requirement has been reworded to require the manual only to show that a utility layout plan is in existence and where it is located. Also, pursuant to adverse comments (many commentators asserted they did not know the Federal Aviation Regulations and other regulations well enough to be sure that nothing in the manual was contrary to them), the requirement that the manual not be contrary to any Federal regulation or the applicable airport operating certificate has been dropped. Finally, the proposed paragraph (b) of § 139.33 has been dropped at this point, since it concerned compliance by airport personnel, a matter that is covered in § 139.81.

As to Subpart D (Certification: Eligibility). As proposed § 139.43 (Pavement areas) would require the applicant for an airport operating certificate to show, among other things, that runway pavement roughness does not vary (within specified tolerance), and that the size of aggregate for the top course of runway pavement does not exceed one-quarter inch in size. A large number of commentators objected to these requirements. They both have been dropped, as they more appropriately belong in construction standards.

Some changes have been made, largely for clarification purposes, from the proposed language of § 139.45 (Safety areas), including added references, to certain safety areas, as those located or extended in accordance with the applicable criteria used at the time of construction. Some airports and runways were originally built under the older "landing strip" concept that was not as extensive as a more recently adopted concept of "runway safety area." It is not proposed to require already constructed "landing strips" to be enlarged, and the requirements of § 139.45 accordingly are applied to the pertinent area as it existed when constructed.

A number of commentators objected to the proposed requirement in paragraph (b) of § 139.47 (Marking and lighting runways, thresholds, and taxiways) that the applicant have a sufficient supply of emergency lights for installation on a lighted main runway in case of failure of the primary lighting system. Concern was expressed over the initial and maintenance costs of these lights, and the length of time required to move them from storage and place them on the runway. Some stated (reasonably, it is believed) that the cause of the failure of the runway lights probably could be corrected before the emergency lights could be placed, or stated that sufficient alternate airports were available to which aircraft could be directed. The requirement has been eliminated, since it is believed that as long as pilots and dispatchers have been apprised of the problem through the use of Notices to Airmen the outage is an economic factor rather than a safety one.

As stated above, one of the provisions of most concern that was proposed in Notice 71-14 contained the requirements for airport firefighting and rescue equipment and service (§§ 139.49 and 139.89). The comments made on this matter, approximately 156 in number, ranged from the suggestion that no fire protection was needed on the airport to suggestions that minor revisions should be made in the wording of the requirements, and also ranged from assertions that too little equipment was to be required to assertions that the proposed requirements went beyond need. A number of comments concerned the infrequency of accidents where the proposed services could be effective; the cost of providing the protection, both original and recurring; and an asserted inability to meet the 3-minute response time, and insufficient time allowed to restore inoperative firefighting and rescue vehicles to service. As to a large number of smaller airports, it was asserted that they simply could not afford to purchase and man the required equipment, and that they would therefore be forced to discontinue air carrier service. As indicated above, this concern apparently was predicated upon their absorbing the full purchase price of the equipment and hiring professional firefighters.

Many commentators expressed concern or misunderstanding as to how the airport "Index" was determined. As proposed, the Index (now designated alphabetically rather than numerically)

is determined by the longest aircraft serviced by the airport. One commentator suggested that the Indexes be related to length of the aircraft fuselage rather than overall length. It must be noted that overall length was selected as the most feasible feature of aircraft for this purpose, rather than such features as actual number of passengers, fuselage length, or type of fuel used. As proposed, where the airport served fewer than an average of five scheduled departures per day of aircraft of one Index the next lower Index would apply. This would mean that if an airport served Index No. II aircraft 2 times a day and Index No. IV aircraft once a day, the applicable Index would be Index III, for which the airport would be required to maintain that level of fire protection for only three operations a day. (In this connection, the five-departure per day cutoff was questioned by several commentators. This custoff was selected as the most appropriate limit, involving a substantial number of persons carried, for the requirement of only one light-weight vehicle with the prescribed extinguishing agents.) Upon further consideration, the section has been recast to include a more equitable provision, that where the airport serves an average of fewer than five scheduled departures per day by air carrier users, the required firefighting and rescue equipment would be those assigned to the lowest Index. Also, as issued, the section provides that where the airport serves at least (not fewer than) five scheduled departures per day but not five aircraft of any one Index aircraft, the required equipment is that prescribed by the Index next below that applicable to the longest aircraft operated by the air carrier users served by the airport. Although less restrictive than proposed, the changed provision is considered to provide an acceptable level of protection.

Another item that prominently concerned commentators was the proposed requirement that the applicant for an airport operating certificate must show by a demonstration run that its required firefighting and rescue vehicles could "as a group" reach any air operations area within 3 minutes from the time of the alarm to the time of initial agent appliion. Further consideration indicates that firefighting technique does not require all vehicles to arrive simultaneously, and that an adequate level of safety is provided if one required vehicle can meet the 3-minute response time, with the next required vehicle arriving within 4 minutes, and any other required vehicles arriving with 4½ minutes. Also, for demonstration purposes the accident scene will be considered the runway midpoint furthest from the vehicle's assigned post (a more definite provision than proposed) and this is prescribed by § 139.49 as issued. In this connection, the rule does not require the equipment to be "on the airport," as the notice would have required, for some commentators pointed out that some operators have their equipment outside of but adjacent to their airports.

Another item of concern to commentators was the proposed provision of § 139.89 for a return to required service level within 72 hours or limitation of air carrier user operations to those envisaged by the next lower Index level providing the protection capability of its remaining equipment, where a required firefighting and rescue vehicle becomes inoperable. It is recognized that circumstances may make it extremely difficult, if not impossible, to repair disabled vehicles within 72 hours, and the time period has therefore been extended to 10 calendar days.

Many commentators opposed § 139.51 (Handling and storing hazardous articles and materials) as proposed, in large part for the asserted reason that the airport operator has no direct control over the acts of its tenants and therefore should not be held responsible for them. In view of the coverage afforded by other regulatory requirements as to cargo handling and storing, the provision concerned with a required showing on this feature as to tenants on the airport has been removed from the rule as issued.

Several commentators opposed the requirements for traffic and wind direction indicators (§ 139.53). However, this requirement is considered necessary in the interest of safety.

The commentators generally favored requiring each airport operator to have an emergency plan to handle emergency situations (§ 139.55), and this provision is included in the rule as issued, with minor language changes.

Many commentators objected to the required showing of daily self-inspection capability (§ 139.57), asserting that inspections vary depending upon the size of the airport, or that at busy airports more than one daily inspection should be made. As issued, the rule provides for flexibility to be afforded by the approved airport operations manual.

Some commentators asserted that licensing, marking, speed, and other such items related to ground vehicles (§ 139.59) were adequately covered by other legal requirements that need not be duplicated and made the responsibility of the airport operator. This position has been accommodated, and as issued the provision requires only a showing that the applicant has appropriate procedures and arrangements for the safe and orderly operations of ground vehicles in air operations areas.

In view of comments made that proposed § 139.63, now § 139.61 (Obstructions), was unduly restrictive, further consideration indicates that proper recognition was not given to the fact that some technical obstructions (such as trees or building) may be located between or behind more prominent obstructions. Flexibility is now afforded by the addition of a provision that marking and lighting of the identified obstructions affected will not be required when it is determined to be unnecessary by an FAA aeronautical study.

As to protection of navaids (now § 139.63), a number of commentators objected to the proposal, particularly with reference to protection of Federal navaids. Two changes have been made. First, the navaids for which procedures for protection against facility construction must be shown by the applicant are limited to those for which an FAA study has determined that the construction would derogate operation of the navaids. Second, the required protection of navaids against vandalism and theft is modified to provide only for assistance to the owner if the latter is another person, rather than the complete protection in all cases envisioned by some commentators as requiring fencing in of Federal navaids, alarm systems, and extra guards.

Several changes have been made in § 139.69 (Airport condition assessment and reporting) from the proposed § 139.71. The showing of procedures for dissemination of relevant information to air carrier users may involve either Notices to Airmen or "other means acceptable to the Administrator." Also, the information dealt with by this requirement now includes the condition of presence of a large number of birds, previously proposed as a notification provision of the preceding section.

As to Subpart E (Operations). Section 139.81 (Operations rules: General) has been changed to provide that the airport operator shall have sufficient airport personnel, and require that personnel, to comply with the approved airport operations manual in the performance of their duties. This accommodates comments that felt that to "maintain" personel at least equal in quantity to the standards currently required for certification would be illusory in view of changes in personnel made from time to time.

Pursuant to comments, pavement areas that must be promptly repaired (§ 139.83) have been defined more realistically than as proposed. Also, as stated in Notice 71-14, the requirement for measuring runway slipperiness characteristics anticipated the availability of FAA-approved equipment for measurement. This anticipation has not been fulfilled, and in the absence of the development of an approved standard for measurement of the coefficient of friction the requirement has not been implemented by these regulations as issued. However, the requirement may be made at a later time.

The operations requirements of § 139.89 (Airport firefighting and rescue equipment and service) have been attuned to § 139.49 as changed. The required 2-year retention of self-inspection records has been changed to 6 months (§ 139.91).

In consideration of the foregoing, Title 14 of the Code of Federal Regulations is amended, effective July 21, 1972, by adding the following new Part 139 in Subchapter G.

Issued in Washington, D.C., on June 12, 1972.

J. H. SHAFFER,
Administrator.

PART 139—CERTIFICATION AND OPERATIONS: LAND AIRPORTS SERVING CAB-CERTIFICATED SCHEDULED AIR CARRIERS OPERATING LARGE AIRCRAFT (OTHER THAN HELICOPTERS)

Subpart A—General

Subpart B—Certification

Subpart C—Airport Operations Manual

Subpart D—Certification: Eligibility

Subpart E—Operations

AUTHORITY: The provisions of this Part 139 issued under secs. 313(a), 609, 610(a), and 612 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1429, 1430; Public Law 91-258, 84 Stat. 234, 235; Public Law 92-174, 85 Stat. 492.

Subpart A—General

§ 139.1 Applicability.

(a) This part prescribes rules governing the certification and operation of land airports regularly serving scheduled air carriers that hold certificates of public convenience and necessity issued by the Civil Aeronautics Board and operate large aircraft (other than helicopters) into those airports.

(b) As used in this part—

(1) "Air operations area" means an area of the airport used or intended to be used for landing, takeoff, or surface maneuvering of aircraft;

(2) "Air carrier user" means a scheduled air carrier holding a certificate of public convenience and necessity issued by the Civil Aeronautics Board and operating large aircraft (other than helicopters); and

(3) "Certificated airport" means an airport that has been certificated under Subpart B of this part.

§ 139.3 Certification: General.

After May 20, 1973, no person may operate a land airport regularly serving any scheduled CAB-certificated air carriers operating large aircraft (other than helicopters) into that airport, in any State of the United States, the District of Columbia, or any territory or possession of the United States, without or in violation of an airport operating certificate for that airport, or in violation of this part or the approved airport operations manual for that airport.

§ 139.5 Inspection authority.

Each applicant for an airport operating certificate, and each certificate holder for, or operator of, a certificated airport shall allow the Administrator to make any inspection or test to determine its compliance with the Federal Aviation Act of 1958, the Federal Aviation Regulations, the certificate, and the approved airport operations manual, and the eligibility of the certificate holder to continue to hold its certificate.

§ 139.7 Amendment of certificate.

(a) The Administrator may amend any airport operating certificate issued under this part—

(1) Upon application by the certificate holder, if the Administrator determines that safety in air transportation and the public interest allow the amendment; or

(2) Under section 609 of the Federal Aviation Act of 1958 (49 U.S.C. 1429) and Part 13 of this chapter if the Administrator determines that safety in air transportation and the public interest require the amendment.

(b) An applicant for an amendment to an airport operating certificate must file its application with the appropriate FAA Airport field office in whose area the airport is located, at least 15 days before the proposed effective date of that amendment, unless a shorter filing period is allowed by that office.

(c) At any time within 30 days after receiving from the appropriate FAA Airport field office a notice of refusal to approve the application for amendment, the certificate holder may petition the Administrator personally to reconsider the refusal to amend.

§ 139.9 Amendment of airport operations manual.

(a) The Administrator may amend any airport operations manual approved under this part—

(1) Upon application by the certificate holder, if the Administrator determines that safety in air transportation and the public interest allow the amendment; or

(2) If the Administrator determines that safety in air transportation and the public interest require the amendment.

(b) In the case of an amendment under paragraph (a)(2) of this section, the Administrator notifies the certificate holder, in writing, fixing a reasonable period (but not less than 7 days) within which the certificate holder may submit written information, views, and arguments on the amendment. After considering all relevant material presented, the Administrator notifies the certificate holder of any amendment adopted, or rescinds the notice. The amendment becomes effective not less than 30 days after the certificate holder receives notice of it, unless the certificate holder petitions the Administrator personally to reconsider the amendment, in which case its effective date is stayed pending a decision by the Administrator. If the Administrator finds that there is an emergency requiring immediate action with respect to safety in air transportation, that makes the procedure in this paragraph impracticable or contrary to the public interest, he may issue an amendment, effective without stay, on the date the holder receives notice of it. In such a case, the Administrator incorporates the finding and a brief statement of the reasons for it, in the notice of the amended airport operations manual to be adopted.

(c) An applicant for an amendment to its airport operations manual must file its application with the appropriate FAA Airport field office in whose area the airport is located, at least 15 days before the proposed effective date of that amendment, unless a shorter filing period is allowed by that office.

(d) At any time within 30 days after receiving from the appropriate FAA Airport field office a notice of refusal to approve the application for amendment, the certificate holder may petition the Administrator personally to reconsider the refusal to amend.

Subpart B—Certification

§ 139.11 Issue of certificate.

An applicant for the issue of an airport operating certificate under this subpart is entitled to a certificate if—

(a) It regularly serves air carrier users; and

(b) The Administrator, after investigation, finds that the applicant is properly and adequately equipped and able to conduct a safe operation in accordance with this part, and approves the airport operations manual submitted with and incorporated in the application.

§ 139.13 Application for certificate.

(a) Each applicant for the issue of an airport operating certificate under this subpart must submit its application on a form and in the manner prescribed by the Administrator, accompanied by and incorporating its airport operations

manual prescribed by Subpart C of this part, to the appropriate FAA Airport field office in whose area the applicant proposes to establish or has established its airport. Each applicant whose airport is in operation before July 21, 1972, must submit its application no later than November 18, 1972. Each applicant whose airport is not in operation before July 21, 1972, must submit its application at least 120 days before the date of intended operations.

(b) Each application submitted under paragraph (a) of this section must contain a signed statement showing—

(1) The name and address of airport;

(2) The name and address of the owner of the airport; and

(3) The name and address of the operator of the airport.

(c) Each airport operations manual submitted under paragraph (a) of this section must be prepared in accordance with, and contain the information prescribed by, §§ 139.31 and 139.33, respectively.

§ 139.15 Contents of certificate.

Each airport operating certificate issued under this subpart contains—

(a) The names of the airport, and of the owner and operator of the airport:

(b) Airport limitations; and

(c) Any other item that the Administrator determines is necessary to cover a particular situation.

§ 139.17 Duration of certificate.

(a) An airport operating certificate issued under this subpart is effective until it is surrendered or the Administrator suspends, revokes, or otherwise terminates it.

(b) The Administrator may suspend or revoke an airport operating certificate under section 609 of the Federal Aviation Act of 1958 (14 U.S.C. 1429) and the applicable procedures of Part 13 of this chapter for any cause that, at the time of suspension or revocation, would have been grounds for denying an application for a certificate.

§ 139.19 Exemptions: Safety equipment.

(a) Any person required to apply for an airport operating certificate under this part may, within the period of time prescribed in paragraph (b) of this section, petition the Administrator, under § 11.25 of Part 11 of this chapter (General Rule Making Procedures), for an exemption from the safety equipment requirements of § 139.49, § 139.53, or § 139.65, on the grounds that compliance would be contrary to the public interest.

(b) Each petition filed under paragraph (a) of this section must be submitted in duplicate to the appropriate FAA Airport field office in whose area the applicant proposes to establish or has established its airport, no later than September 19, 1972, in the case of an airport that is in operation before July 21, 1972, or at least 180 days before the date of intended operations, in the case of an airport not in operation before July 21, 1972, unless good cause is shown in that petition.

(c) Each petition filed under this section is referred for action to the appropriate Regional Director who may grant or deny the petition. However, if the Regional Director finds that the grant or denial involves a technical or policy determination that should be made by the Administrator, he refers the petition to the Administrator for final action.

§ 139.21 Deviations.

In emergency conditions a certificate holder may deviate from any requirement of Subpart E of this part if those conditions require the transportation of persons or supplies for the protection of life or property. Each certificate holder who deivates from a requirement under this paragraph shall, as soon as practicable, report in writing to the appropriate FAA Airport field office in whose area the airport is located, stating the nature, extent, and duration of the deviation.

§ 139.23 Personnel.

Each applicant for an airport operating certificate under this subpart must show that it has available sufficient qualified personnel to comply with the requirements of this part.

Subpart C—Airport Operations Manual

§ 139.31 Preparation and maintenance.

(a) Each applicant for an airport operating certificate must prepare and submit for approval by the Administrator, with its application for a certificate, its airport operations manual.

(b) Each certificate holder shall keep its airport operations manual current at all times after it is approved.

(c) Each certificate holder shall maintain at least one complete copy of its approved airport operations manual at its principal operations office, and shall make it available for inspection upon the request of the Administrator.

§ 139.33 Contents.

Each airport operations manual required by § 139.31 must—

(a) Include all of the information necessary to show—

(1) Compliance and the means and procedures, in detail, used to comply with each certification rule prescribed by Subpart D of this part, including a description of the airport firefighting and rescue equipment and service for the airport; and

(2) The means and procedures, in detail, to be used after certification to comply with each operations rule prescribed by Subpart E of this part.

(b) Include instructions and information necessary to allow the personnel concerned with operating the airport to perform their duties and responsibilities;

(c) Include operational lines of succession:

(d) Include airport familiarization suih as gridmaps, terrain features, arrival and departure routes in the immediate vicinity of the airport, runway identification, obstructions, and taxiways;

(e) Include procedures for avoidance of interruption or failure of utility facilities or navaids during construction work, and indicate the existence and location of a current utility layout plan;

(f) Be in a form that is easy to revise;

(g) Have the date of the last revision on each page concerned; and

(h) Show approval by the Administrator, any airport limitations and other items placed on its operating certificate under §139.15, and any exemption from compliance with safety equipment requirements granted under § 139.19.

Subpart D—Certification: Eligibility

§ 139.41 Eligibility requirements: general.

To be eligible for an airport operating certificate, an applicant must—

(a) Comply with the applicable requirements of Subparts A, B, and C of this part; and

(b) Comply with each applicable section of this subpart.

§ 139.43 Pavement areas.

The applicant for an airport operating certificate must show that the pavement lips (runway, taxiway, and apron) on its airport do not exceed 3 inches difference in elevation between full strength pavement and abutting shoulders.

§ 139.45 Safety areas.

(a) The applicant for an airport operating certificate must show that on its airport—

(1) Each safety area has no potentially hazardous ruts, depressions, humps, or other surface variations;

(2) No object is located in any safety area, except objects that must be maintained because of their functions or that are constructed on frangible mounted supporting structures of minimum practical height; and

(3) It has a storm sewer system sufficient to adequately handle the drainage of water off each safety area or the topography of the airport allows direct runoff of that water.

(b) As used in this section, "safety areas" are the following:

(1) "Runway safety areas":

(i) If constructed before February 18, 1970, a cleared, drained, and graded area, at least 400 feet in width, the center portion of which is the usable runway, and which extends 200 feet beyond each end of that runway.

(ii) If constructed after February 17, 1970, a cleared, drained, and graded area abutting the edges of the usable runway and symmetrically located about the runway, whose outer edges are at least 500 feet apart, and a symmetrical rectangle located about and extending 200 feet beyond each end of that runway.

(2) "Taxiway safety area"—A cleared, drained, and graded area abutting the edges of the taxiway and symmetrically located about the taxiway in accordance with the applicable criteria used at the time of construction of the taxiway.

(3) "Extended runway safety area"—A rectangular area along the extended runway centerline, that begins 200 feet

outward from the end of the usable runway and extends in accordance with the applicable criteria used at the time of construction of the runway.

§ 139.47 Marking and lighting runways, thresholds, and taxiways.

(a) The applicant for an airport operating certificate must show that any items of runway, taxiway, and threshold lighting listed in this paragraph that it has on its airport are in operable condition.

(1) Runway and taxiway items:

(i) Elevated runway and taxiway lights.

(ii) Apron edge taxiing lights.

(iii) Category II and Category III lighting (when approved and installed).

(iv) Taxiway centerline lights.

(2) Rotating airport beacon.

(3) Obstruction lights.

(4) Approach aid lighting owned by the applicant: SAVASI, REILS, and VASI-2, each properly aimed; and MALS giving proper guidance to the user.

An airport lighting item is considered inoperable if, during periods of use, it fails to adequately illuminate its area or creates a lighting effect that misleads or confuses the user.

(b) The applicant must show that any guidance signs installed on its airport are in operable condition.

(c) The applicant must show that all surface apron, vehicle parking, roadway, and building illumination lighting on its airport is so designed, adjusted, or shielded as not to blind or hinder air traffic control or aircraft operations.

(d) The applicant must show that any of the following markings that it has on its airport are clearly visible and in good condition:

(1) Runway centerline, threshold, touchdown zone, and designation marking.

(2) Taxiway centerline marking.

(3) Markings indicating ILS critical areas.

(4) Holding lines for Category II operations and for taxiways.

§ 139.49 Airport firefighting and rescue equipment and service.

Except to the extent that the Administrator determines under § 139.19 that it would be contrary to the public interest, the applicant for an airport operating certificate must show that it has, and will have, available during air carrier user operations, at least the airport firefighting and rescue equipment with the vehicle response-time capability and trained personnel prescribed in this section.

(a) The applicant must show that it has at least the required firefighting and rescue equipment assigned to the appropriate Index listed in paragraph (b) of this section. The applicable Index is determined by the longest large aircraft, operated by an air carrier user, with an average of at least five scheduled departures per day, served by the airport. However—

(1) Where the airport serves an average of at least five scheduled departures per day by air carrier users, but not at least five scheduled departures of aircraft of any one Index aircraft, the required firefighting and rescue equipment is that assigned to the next Index below that applicable to the longest aircraft operated by the air carrier users served by the airport; and

(2) Where the airport serves an average of fewer than five scheduled departures per day by air carrier users, the required firefighting and rescue equipment is that assigned to Index A aircraft.

(b) The following are the Indexes referred to in paragraph (a) of this section:

(1) *Index A aircraft: No more than 90 feet long.* One lightweight vehicle providing at least either 500 pounds of dry chemical extinguishing agents, or 450 pounds of dry chemical and 50 gallons of water for aqueous film forming foam (AFFF) production.

However, when at the time of application the applicant shows that it serves or expects to serve Index B turbine engine powered aircraft under conditions described in paragraph (a) (1) or (2) of this section, a lightweight vehicle providing at least 500 gallons of water and 300 pounds of dry chemical is required for Index A.

(2) *Index B: Aircraft more than 90 and not more than 126 feet long.* One lightweight vehicle with at least the extinguishing agents prescribed in the first sentence of subparagraph (1) of this paragraph, and one additional self-propelled fire extinguishing vehicle. The total quantity of water for foam production required for this Index is 1,500 gallons.

(3) *Index C: Aircraft more than 126 and not more than 160 feet long.* One lightweight vehicle with at least the extinguishing agents prescribed in the first sentence of subparagraph (1) of this paragraph, and two additional self-propelled fire extinguishing vehicles. The total quantity of water for foam production required for this Index is 3,000 gallons.

(4) *Index D: Aircraft more than 160 and not more than 200 feet long.* One lightweight vehicle with the extinguishing agents prescribed in the first sentence of subparagraph (1) of this paragraph, and two additional self-propelled fire extinguishing vehicles. The total quantity of water for foam production required for this Index is 4,000 gallons.

(5) *Index E: Aircraft more than 200 feet long.* One lightweight vehicle with the extinguishing agents prescribed in the first sentence of subparagraph (1) of this paragraph, and two additional self-propelled fire extinguishing vehicles. The total quantity of water for foam production required for this Index is 6,000 gallons.

(c) The quantity of water specified for each Index does not include any foam concentrate. One of the following substitutions may be made:

(1) Aqueous film forming foam (AFFF) may be substituted for protein based foam and the quantity of water reduced by 30 percent from that specified.

(2) Dry chemicals in the ratio of 2.8 pounds per gallon of water may be substituted for up to 30 percent of the water specified for protein based foam.

(d) Each firefighting and rescue vehicle carrying under 4,000 gallons of water and used under Indexes B through E must be capable of discharging one complete charge of agent in not less than 1¾ minutes nor more than 2¼ minutes with all discharge orifices open. Each vehicle carrying 4,000 or more gallons of water must be capable of discharging at a minimum rate at least 1,800 gallons per minute.

(e) The applicant must show by a demonstration run that—

(1) At least one firefighting and rescue vehicle required by the applicable Index can reach the midpoint on the furthest runway from its assigned post within 3 minutes from the time of alarm to the time of initial agent application;

(2) At least one other firefighting and rescue vehicle required by the applicable Index can reach the midpoint on the furthest runway from its assigned post within 4 minutes from the time of alarm to the time of initial agent application; and

(3) All other firefighting and rescue vehicles required by the applicable Index can reach the midpoint on the furthest runway from its assigned post within 4½ minutes from the time of alarm to the time of initial agent application.

(f) The applicant must show that each item of required firefighting and rescue equipment has either a flashing red or a flashing red and white beacon, and is marked to insure rapid and positive identification. The color of each vehicle must insure contrast with the background environment for easy identification.

(g) The applicant must show that it has the capability to—

(1) Operate and maintain all required firefighting and rescue equipment owned by it in operable condition;

(2) Provide cover for all required firefighting and rescue equipment owned by it if the airport is located in a geographical area subject to prolonged temperature below 33° Fahrenheit; and

(3) Communicate with firefighting and rescue equipment to alert them to any existing or impending emergency that requires, or might require, their use.

(h) The applicant must show that it has available appropriately clothed and sufficiently qualified firefighting and rescue personnel to insure at least 85 percent of the required maximum agent discharge rate of firefighting equipment.

(i) The applicant must show that the firefighting and rescue personnel are familiar with the operation of the firefighting and rescue equipment and understand the basic principles of firefighting rescue techniques.

§ 139.51 Handling and storing hazardous articles and materials.

(a) The applicant for an airport operating certificate must show that, as the cargo handling agent, it has adequate

controls and procedures listed herein to protect property and persons on the airport during the handling and storing of hazardous articles and materials that are, or are intended to be, aircraft cargo while they are on the airport. These articles and materials include flammable liquids and solids, corrosive liquids, compressed gases, and magnetized or radioactive materials. The following controls and procedures are required:

(1) Designated personnel to receive and handle hazardous articles and materials.

(2) Assurance from the shipper that the cargo can be handled safely, including any special handling procedures required for safety.

(3) Provision of special areas for storage while on the airport.

(b) The applicant for an airport operating certificate must show that it (or its tenant), as the fueling agent, has a sufficient number of trained personnel and procedures for safely storing, dispensing, and otherwise handling fuel, lubricants, and oxygen on the airport (other than articles and materials that are, or are intended to be, aircraft cargo), including—

(1) Grounding and fire protection;

(2) Public protection;

(3) Control of access to storage areas; and

(4) Marking and labeling storage tanks and tank trucks, including identification of specific types and fuel octane designations.

§ 139.53 Traffic and wind direction indicators.

Except to the extent that the Administrator determines under § 139.19 that it would be contrary to the public interest, the applicant for an airport operating certificate must show that it has on its airport the following:

(a) Wind direction indicators, including wind trees or wind socks, installed to provide appropriate wind direction information, and lighted during the conduct of night operations.

(b) Segmented circle traffic pattern indicators, if the airport has no air traffic control tower.

§ 139.55 Emergency plan.

(a) The applicant for an airport operating certificate must show that it has an emergency plan that insures prompt response to all emergencies and other unusual conditions in order to minimize the possibility and extent of personal and property damage on the airport. The plan must be sufficiently detailed to provide adequate guidance to all concerned.

(b) The emergency plan must provide for the following:

(1) Instructions for response to—

(i) Aircraft incidents and accidents;

(ii) Bomb incident procedures including designated parking areas for the aircraft involved;

(iii) Structural fires;

(iv) Natural disasters;

(v) Sabotage and other unlawful interference with operations; and

(vi) Radiological incidents or nuclear attack.

(2) Medical services.

(3) Crowd control.

(4) Removal of disabled aircraft.

(5) Emergency alarm systems.

(6) Mutual assistance with other local safety and security agencies.

(7) A description of control tower functions relating to emergency actions.

(c) The applicant must show that before applying it has coordinated its emergency plan with law enforcement and firefighting and rescue agencies, medical resources, the principal tenants at the airport, and other interested persons.

(d) The applicant must show that all airport personnel having duties and responsibilities under its emergency plan are familiar with their assignments and properly trained.

§ 139.57 Self-inspection program.

The applicant for an airport operating certificate must show that—

(a) It is equipped and capable of conducting safety inspections of its airport daily (unless otherwise authorized in its approved airport operations manual), and additionally when unusual conditions exist thereon such as during periods of construction and immediately after any incident or accident;

(b) It has qualified inspection personnel to make the inspections;

(c) It has a system to insure reliable and rapid dissemination of information between its airport personnel and interested tenants; and

(d) It has a reporting system to insure prompt corrective actions for unsafe conditions on the airport.

§ 139.59 Ground vehicles.

(a) The applicant for an airport operating certificate must show that it has appropriate procedures and arrangements for the safe and orderly operations of ground vehicles on air operations areas.

(b) The applicant must show that it provides the applicable following communications system in operable condition:

(1) For an airport with an air traffic control tower—

(i) Except as provided in subdivision (ii) of this subparagraph, two-way radio communications between the tower and all ground vehicles operating on usable runways or taxiways;

(ii) Escort vehicles equipped with two-way radio communications with the tower, to accompany a maintenance or service ground vehicle without those communications, when operating on usable runways or taxiways; and

(iii) Adequate other procedures to govern the movement of all ground vehicles when operating on aprons, parking areas, or safety areas used by air carrier users.

(2) For an airport without an air traffic control tower, adequate procedures to control ground vehicles through prearranged signs or signals.

§ 139.61 Obstructions.

The applicant for an airport operating certificate must show that each object in any area within its authority that is identified as an obstruction in Part 77 of this chapter, is adequately lighted and marked. However, this lighting and marking is not required if it is determined to be unnecessary by an FAA aeronautical study.

§ 139.63 Protection of navaids.

The applicant for an airport operating certificate must show that it has—

(a) Procedures for preventing the construction of facilities on its airport that, as determined by an FAA study, would derogate the operation of a navaid thereon; and

(b) Established procedures to provide protection, or assistance to the owner (if another person) in protection, of navaids on its airport against vandalism and theft.

§ 139.65 Public protection.

Except to the extent that the Administrator determines under § 139.19 that it would be contrary to the public interest, the applicant for an airport operating certificate must show that it has on its airport appropriate safeguards against inadvertent entry of persons or large domestic animals onto any air operations area. Compliance with any fencing requirement imposed under Part 107 of this chapter (effective March 18, 1972; 37 F.R. 5689) meets the fencing requirement of this section as to persons and vehicles.

§ 139.67 Bird hazard reduction.

The applicant for an airport operating certificate must show that it has established instructions and procedures for the prevention or removal of factors on the airport that attract, or may attract, birds. However, the applicant need not show that it has established these instructions and procedures if the Administrator finds that a bird hazard does not exist and is not likely to exist.

§ 139.69 Airport condition assessment and reporting.

(a) The applicant for an airport operating certificate must show that it has appropriate procedures for identifying, assessing, and disseminating information to air carrier users of its airport, by Notices to Airmen or other means acceptable to the Administrator, concerning conditions on and in the vicinity of its airport that affect, or may affect, the safe operation of aircraft.

(b) The procedures prescribed by paragraph (a) of this section must cover the following conditions:

(1) Construction or maintenance work on pavement or safety areas.

(2) Rough or wavy portions of pavement or safety areas.

(3) The presence and depth of snow, slush, ice, or water on runways or taxiways.

(4) The presence of snow drifted or piled on, or next to, runways or taxiways in such height that all aircraft propellers, engine pods, and wingtips will not clear the snowdrifts and snowbanks when the aircraft's most critical landing gear is located at any point along the full strength edge of the runway or taxiway.

(5) The presence of parked aircraft or other objects on, or next to, runways or taxiways.

(6) The failure or irregular operation of all or part of the airport lighting system, including the approach, threshold, runway, taxiway, and obstruction lights operated by the operator of the airport.

(7) The presence of a large number of birds.

§ 139.71 Identifying, marking, and reporting construction and other unserviceable areas.

(a) The applicant for an airport operating certificate must show that it has appropriate procedures for the following items when on or adjacent to any air operations area:

(1) Conspicuously identifying all construction areas and other unserviceable pavement and safety areas by marking and lighting them.

(2) Routing, marking, and lighting all construction equipment and construction roadways.

(3) Identifying and marking the location of all utilities in construction areas that, if interrupted, could cause failure of a facility or navaid.

(b) Identifying and marking any areas adjacent to navaids that, if traversed, could cause emission of false signals or failure of the navaids.

Subpart E—Operations

§ 139.81 Operations rules: General.

Each person operating an airport for which an airport operating certificates has been issued under Subpart B of this part shall—

(a) Operate, maintain, and provide facilities, equipment, systems, and procedures at least equal in condition, quality, and quantity to the standards currently required for the issue of the airport operating certificate for that airport;

(b) Have sufficient personnel available, and require that personnel, to comply with its approved airport operations manual in the performance of their duties; and

(c) Comply with the additional rules of this subpart.

§ 139.83 Pavement areas.

The operator of each certificated airport shall comply with the following requirements:

(a) It shall promptly repair each crack, hole, or rough area in a runway pavement on the airport that exceeds 3 inches across or 3 inches deep.

(b) It shall promptly, and as completely as practicable, remove from runway pavement areas on the airport, snow, ice, slush, standing water, mud, dust, sand, loose aggregate, rubber deposits, or other contaminants as required by operational considerations.

(c) It shall clean any chemical solvent used to remove rubber deposit from any runway pavement area as soon as possible, consistent with the instructions of the manufacturer of that solvent.

(d) Where sand is used on ice on a runway pavement area on the airport, it shall use only sand, free of corrosive salts, that adheres to the snow or ice sufficiently to minimize aircraft engine ingestion of the sand.

(e) It shall promptly prevent ponding on any runway pavement area on the airport caused by inadequate drainage.

(f) It shall promptly prevent ponding, on paved taxiways and aprons on the airport, that has a depth or other dimension that would obscure markings.

§ 139.85 Snow removal and positioning.

The operator of each certificated airport shall move any drifted or piled snow off usable runway and taxiway surfaces and (except as otherwise authorized in its approved airport operations manual) position any snow or snowbank off those surfaces in height so regulated that all aircraft propellers, engine pods, and wingtips will clear snowdrifts and snowbanks when the aircraft's most critical landing gear is located at any point along the full strength edge of the runway or taxiway. When unable to comply promptly with this requirement, the operator shall issue a Notice to Airmen describing the existing conditions.

§ 139.87 Cleaning and replacing lighting items.

The operator of each certificated airport shall clean or replace each item of its lighting on the airport as shown necessary upon self-inspection.

§ 139.89 Airport firefighting and rescue equipment and service.

The operator of each certificated airport shall at all times comply with the following:

(a) Except as provided in paragraph (c) of this section, it shall provide the required firefighting and rescue equipment and service prescribed in § 139.49 during all periods of scheduled aircraft operations.

(b) It shall provide cover for all required firefighting equipment when the airport is located in a geographical area subject to prolonged temperature below 33° F.

(c) When any required firefighting or rescue vehicle becomes inoperable, it shall provide appropriate replacement equipment within 8 hours thereafter. However, if appropriate replacement equipment is not available within that period, it shall promptly issue a Notice to Airmen. When a Notice to Airmen is issued, and the service level is not restored within 10 calendar days after the date of that notice, the operator shall (unless otherwise authorized by the Administrator), until that service level is restored, limit the air carrier user operations on the airport to the requirements of the Index (no lower than Index A) prescribed in § 139.49 that provides the protection capability of the operator's remaining equipment. When the one vehicle required in Index A is inoperable and a Notice to Airmen is issued, and the service level is not restored within 10 calendar days, air carrier user operations on the airport must be discontinued.

§ 139.91 Self-inspection.

(a) The operator of each certificated airport shall continually review its self-inspection program to insure that prompt and accurate corrective action is taken to eliminate unsafe conditions on the airport.

(b) The operator shall—

(1) Conduct a safety inspection of the airport at least once each day, except as otherwise authorized in its approved airport operations manual; and

(2) Conduct an additional safety inspection whenever required by the circumstances, pertinent to construction, to rapidly changing meterological conditions, to and immediately after an incident or accident, or to any other unusual condition of the airport.

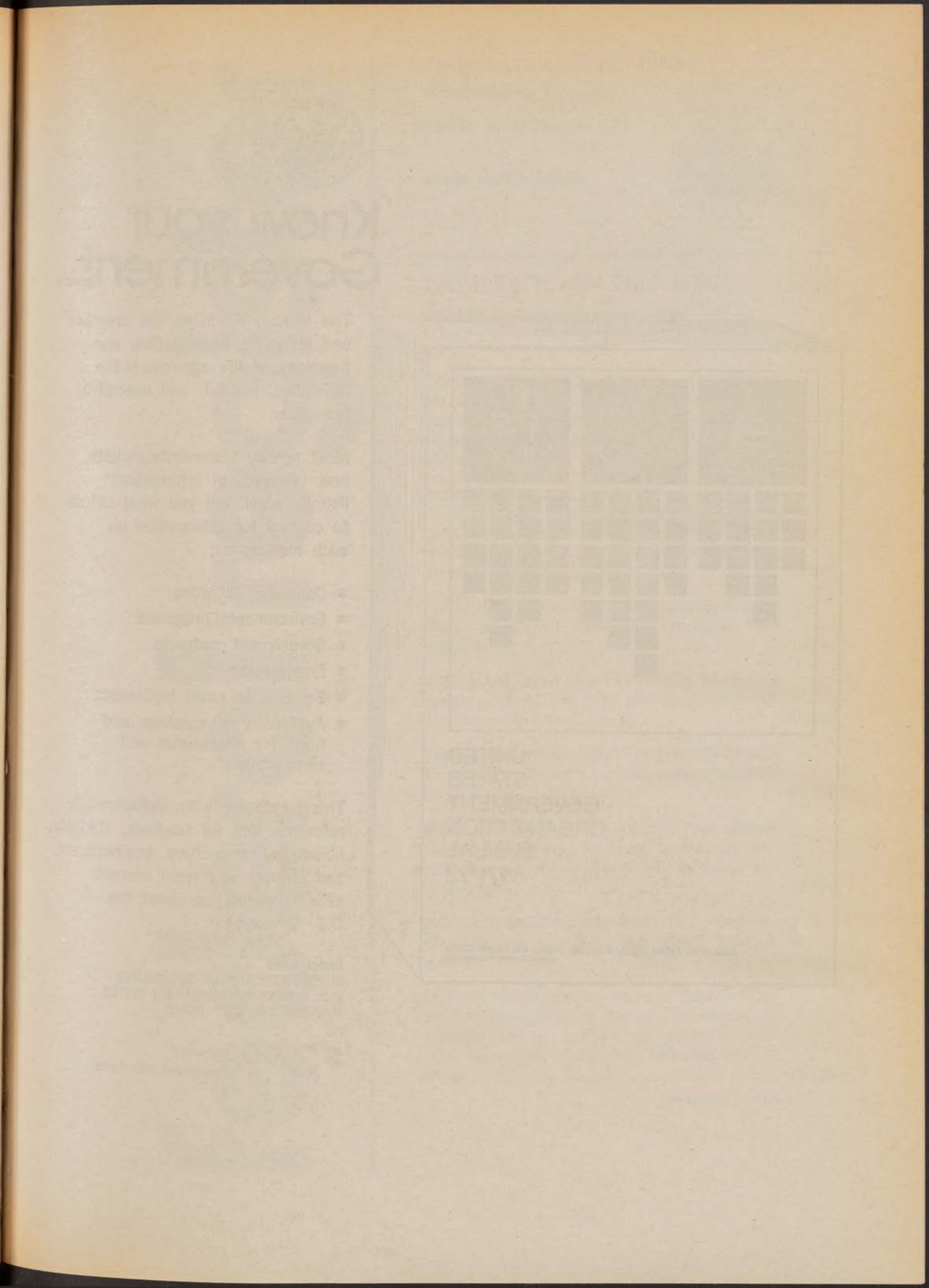
(c) The operator shall maintain, and keep for at least 6 months, a record of each inspection prescribed by paragraph (b) of this section that shows the conditions found and any corrective action taken.

§ 139.93 Maintenance of approach and other imaginary surfaces.

The operator of each certificated airport shall, by controlling the construction of objects in any area described in Part 77 of this chapter that is within the authority of the operator, maintain that area at least to the condition existing at the time of certification of the airport, except to the extent that further penetration of any of those surfaces is determined to be acceptable to the Administrator through an FAA aeronautical study.

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

[FR Doc.72-9135 Filed 6-20-72;8:45 am]



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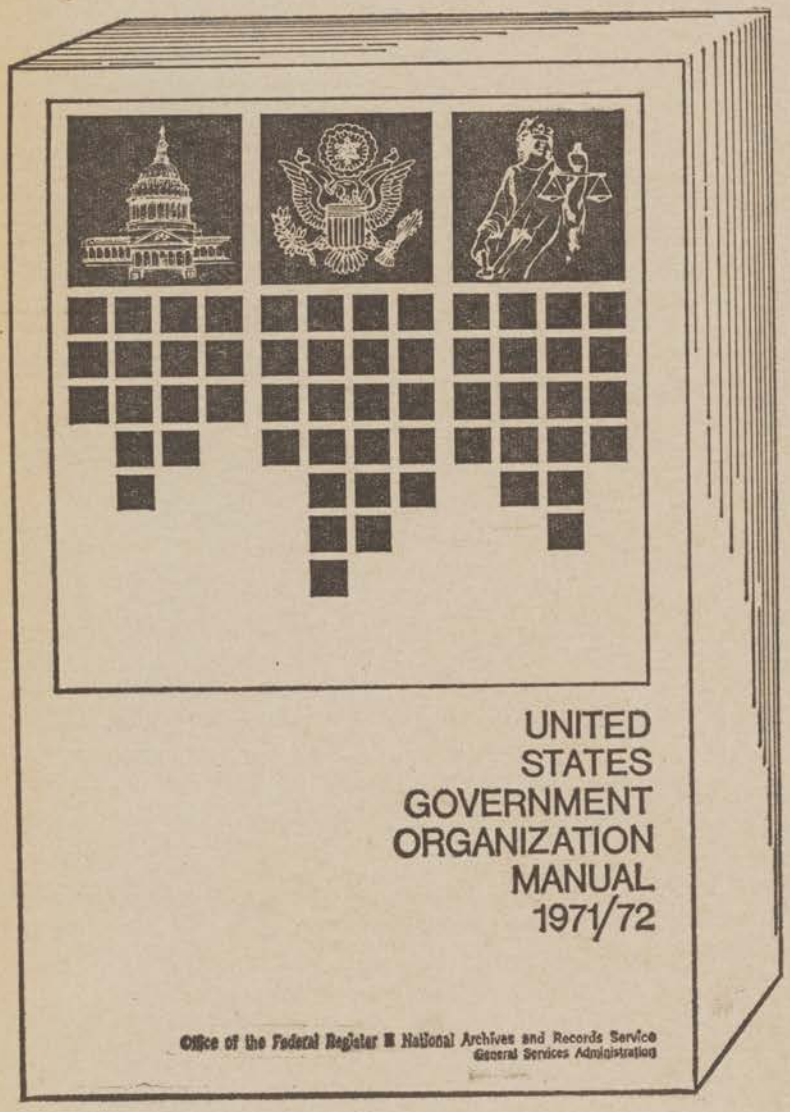

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