

# federal register

THURSDAY, JUNE 22, 1972

WASHINGTON, D.C.

Volume 37 ■ Number 121

Pages 12287-12372



## HIGHLIGHTS OF THIS ISSUE

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

- SEAFOOD COCKTAILS**—FDA proposes provisions establishing food names to include percentage of characterizing ingredients and use of specific names of cocktails containing seafood; comments within 60 days ..... 12327
- RESERVATION ACCELERATION PROGRAM (RAP)**—Interior Dept. proposes regulations to provide maximum support for federally recognized Indian tribes, comprehensive development plans; comments within 30 days ..... 12326
- ENVIRONMENT**—Environmental Quality Council notice of impact statements received from agencies ..... 12338
- RICE MARKETING QUOTAS**—USDA announces penalty applicable to 1972 crop produced on excess farm; effective 6-21-72 ..... 12306
- TUBERCULOSIS INDEMNITY PAYMENTS**—USDA eliminates matching fund requirement; effective 6-16-72 ..... 12307
- WAGE DETERMINATIONS**—USDA-FHA amends regulations required by Labor Department pertaining to requests under the Davis-Bacon and related Acts ..... 12306
- MOTOR VEHICLE WARNING DEVICES**—DoT acts on petitions for reconsideration; effective 1-1-74 ..... 12323
- COTTON TEXTILES**—Chairman of Committee for the Implementation of Textile Agreements increases level of restraint applicable to products in certain categories manufactured in Brazil ..... 12338

(Continued inside)

# MICROFILM EDITION FEDERAL REGISTER 35mm MICROFILM

**Complete Set 1936-71, 202 Rolls \$1,439**

Vol.	Year	Price	Vol.	Year	Price	Vol.	Year	Price
1	1936	\$7	13	1948	\$28	25	1960	\$49
2	1937	12	14	1949	22	26	1961	44
3	1938	8	15	1950	28	27	1962	46
4	1939	14	16	1951	44	28	1963	50
5	1940	14	17	1952	41	29	1964	54
6	1941	21	18	1953	30	30	1965	58
7	1942	37	19	1954	37	31	1966	60
8	1943	53	20	1955	41	32	1967	69
9	1944	42	21	1956	42	33	1968	55
10	1945	47	22	1957	41	34	1969	62
11	1946	47	23	1958	41	35	1970	59
12	1947	24	24	1959	42	36	1971	97

Order Microfilm Edition from Publications Sales Branch  
National Archives and Records Service  
Washington, D.C. 20408



Area Code 202

Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved July 26, 1935 (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$2.50 per month or \$25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

HIGHLIGHTS—Continued

DOMESTIC SATELLITE—FCC adopts policy permitting multiple entry by qualified applicants to offer domestic communication satellite services.....	12312	PLANT QUARANTINES—USDA issues revision and supplements on Gypsy Moth and Brown-tail Moth quarantine regulations (3 documents); effective 6-22-72.....	12298, 12302, 12303
FOOD ADDITIVE—FDA establishes tolerance for residue of the herbicide of 2,4-D applied to irrigation ditch banks in Western United States; effective 6-22-72.....	12310	SELECTIVE SERVICE—Director of Selective Service System amends regulations on registrants ordered for induction; effective 6-22-72.....	12311
PESTICIDE CHEMICALS— EPA issues tolerances and exemptions for residues in or on raw agricultural commodities (2 documents); effective 6-22-72.....	12311, 12312	HAZARDOUS MATERIALS—DoT request for information about possible failures/deficiencies of certain gas cylinders manufactured since July 1960 by Manchester Tank and Equipment Co.....	12336
EPA notice establishing temporary tolerances (2 documents); petitions regarding certain chemicals (2 documents); filing of petition for food additive on growing apples and grapes; and notice of extension of temporary tolerances.....	12342, 12343	ECONOMIC STABILIZATION—Pay Board amends regulations on productivity incentive program and revises procedural regulations (2 documents) effective 6-22-72.....	12293, 12294

## Contents

### AGRICULTURE DEPARTMENT

See Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Animal and Plant Health Inspection Service; Farmers Home Administration; Rural Electrification Administration.

### AGRICULTURAL MARKETING SERVICE

Rules and Regulations  
Handling limitations; oranges grown in Arizona and part of California..... 12306

Proposed Rule Making  
Irish potatoes grown in Colorado; expenses and rate of assessment..... 12326

### AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules and Regulations  
Rice; marketing quota regulations; 1972 rate of penalty.... 12306

### ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Rules and Regulations  
Gypsy moth and browntail moth: Hazardous mobile parks and recreational sites; list..... 12303  
Quarantine and regulations.... 12298  
Regulated areas..... 12302  
Cattle destroyed because of brucellosis (Bang's disease), tuberculosis, or paratuberculosis; payment of indemnities..... 12307  
Hog cholera and other communicable swine diseases; areas quarantined (2 documents).... 12308

### ATOMIC ENERGY COMMISSION

Notices  
Consumers Power Co.; reconstitution of Board..... 12337  
Wisconsin Electric Power Co., and Wisconsin Michigan Power Co.; appointment of alternate Appeal Board Chairman..... 12336  
Wisconsin Public Service Corp., et al.; issuance of facility operating license and opportunity for hearing..... 12337

### CIVIL AERONAUTICS BOARD

Rules and Regulations  
Director, Bureau of Operating Rights; delegation of authority to waive certain charter regulations..... 12310

Notices  
Ceskoslovenske Aerolinie; renewal of foreign air carrier permit and postponement of prehearing conference and hearing.... 12337

### COMMERCE DEPARTMENT

See Import Programs Office.

### COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Notices  
Certain cotton textiles and cotton textile products produced or manufactured in Brazil; entry or withdrawal from warehouse for consumption..... 12338

### EMERGENCY PREPAREDNESS OFFICE

Notices  
Major disasters:  
Michigan..... 12350  
Washington..... 12350

### ENVIRONMENTAL PROTECTION AGENCY

Rules and Regulations  
Tolerances and exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities:  
Benomyl..... 12311  
2,4-D..... 12311

Notices  
Benomyl; extension of temporary tolerances..... 12342  
Establishment of temporary tolerances:  
Ethephon..... 12343  
Paraquat..... 12343  
FMC Corp.; filing of petition for food additive..... 12343  
Pesticide chemicals; petition:  
Rhodia Inc..... 12343  
Stauffer Chemical Co..... 12343

### ENVIRONMENTAL QUALITY COUNCIL

Notices  
Environmental impact statements; public availability..... 12338

### FARMERS HOME ADMINISTRATION

Rules and Regulations  
Davis-Bacon and related acts; wage determination..... 12306

(Continued on next page)

## FEDERAL AVIATION ADMINISTRATION

### Rules and Regulations

Airworthiness directives:	
Bell model helicopters.....	12308
Dowty Rotol type propellers.....	12309
Fairchild Hiller aircraft.....	12309

### Notices

Flight Service Station, Blackstone Army Air Field, Va.; decommissioning.....	12336
Great Lakes Regional Office, Des Plaines, Ill.; change of jurisdiction and redesignation.....	12336

## FEDERAL COMMUNICATIONS COMMISSION

### Rules and Regulations

Radio broadcast services; table of assignments, certain cities (5 documents).....	12318, 12320, 12321, 12323
Satellite communications; establishment of domestic facilities by non-governmental entities.....	12312

### Proposed Rule Making

FM broadcast stations; table of assignments; Terrell Hills, Texas.....	12328
--	-------

### Notices

Common carrier services information; domestic public radio services applications accepted for filing.....	12343
Western Communications, Inc. (KORK-TV); application for renewal of license.....	12346

## FEDERAL MARITIME COMMISSION

### Proposed Rule Making

Filing of tariffs by common carriers by water in the foreign commerce of the United States and by conferences of such carriers; extension of time for comments.....	12329
---	-------

### Notices

Canaveral Port Authority and Eller & Co.; agreement filed; order of investigation.....	12346
Norwegian American Line; certificate of financial responsibility.....	12347
Sea-Land Service, Inc., and Seatrail Lines, Inc.; discriminatory assessment of wharfage charges at port of Baltimore.....	12347

## FEDERAL POWER COMMISSION

### Notices

Hearings, etc.:	
Algonquin Gas Transmission Co.....	12348
Colorado Interstate Gas Co.....	12348
Holyoke Water Power Co.....	12349
Kansas Gas and Electric Co.....	12349
Orange and Rockland Utilities, Inc.....	12349
Southern California Edison Co.....	12350

## FEDERAL RESERVE SYSTEM

### Notices

Acquisition of Banks:	
First Banc Group of Ohio, Inc.....	12350
Virginia Commonwealth Bankshares, Inc.....	12350

## FOOD AND DRUG ADMINISTRATION

### Rules and Regulations

Additives permitted in food for human consumption; 2,4-D.....	12310
---	-------

### Proposed Rule Making

Nonstandardized foods; common or usual names; labeling requirements.....	12327
--	-------

## GENERAL SERVICES ADMINISTRATION

### Rules and Regulations

Selection of locations for Federal buildings; consideration of socioeconomic impact; correction.....	12312
--	-------

## HAZARDOUS MATERIALS OFFICE

### Notices

Certain compressed gas cylinders; request for information.....	12336
--	-------

## HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Food and Drug Administration.

### Notices

Social and Rehabilitation Service; organization, functions, and delegations of authority.....	12335
---	-------

## IMMIGRATION AND NATURALIZATION SERVICE

### Rules and Regulations

Nonimmigrant classes; CFR correction.....	12307
---	-------

## IMPORT PROGRAMS OFFICE

### Notices

Duty-free entry of scientific articles; applications and decisions on applications:	
American National Red Cross.....	12330
Argonne National Laboratory.....	12331
Ferris State College.....	12331
Harvard University.....	12331
Martin Luther King, Jr. General Hospital et al.....	12332
Monroe Community College.....	12332
National Heart and Lung Institute.....	12333
National Institutes of Health.....	12333
Southern Illinois University.....	12333
University of Chicago.....	12334
University of Louisville School of Medicine et al.....	12334
Veterans Administration Hospital.....	12334

## INDIAN AFFAIRS BUREAU

### Proposed Rule Making

Reservation acceleration program; restructuring procedures.....	12326
---	-------

## INTERIOR DEPARTMENT

See Indian Affairs Bureau; Land Management Bureau.

## INTERSTATE COMMERCE COMMISSION

### Rules and Regulations

Car service; Union Pacific Railroad Co. authorized to operate over certain tracks in Idaho.....	12324
Practices of motor common carriers of household goods.....	12324

### Notices

Assignment of hearings.....	12354
Motor carrier, broker, water carrier and freight forwarder applications.....	12357
Motor carrier temporary authority applications.....	12355
Rail service and publication of joint motor-rail rates on grain, etc.; substitution of motor carriers.....	12355

## JUSTICE DEPARTMENT

See Immigration and Naturalization Service.

## LAND MANAGEMENT BUREAU

### Notices

Colorado; proposed withdrawal and reservation of lands.....	12330
---	-------

## NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

### Rules and Regulations

Motor vehicle safety standards; warning devices; reconsideration and amendment.....	12323
---	-------

## PAY BOARD

### Rules and Regulations

Economic stabilization:	
Wages and salaries; productivity incentive programs.....	12293
Procedural regulations.....	12294

## RURAL ELECTRIFICATION ADMINISTRATION

### Notices

Associated Electric Cooperative, Inc., Springfield, Mo.; final environmental statement.....	12330
---	-------

**SECURITIES AND EXCHANGE COMMISSION**

**Notices**

*Hearings, etc.:*

Connecticut Light and Power Co .....	12351
Cogar Corp.....	12351
Delmarva Power and Light Co.....	12351
First World Corp.....	12352
LDS Dental Supplies, Inc.....	12352
Ohio Edison Co.....	12352
Ohio Power Co.....	12352
Tanger Industries.....	12353
Topper Corp.....	12353

**SELECTIVE SERVICE SYSTEM**

**Rules and Regulations**

Delivery and induction; enlistment of registrants ordered for induction .....	12311
---	-------

**Notices**

Registrants Processing Manual....	12353
-----------------------------------	-------

**SMALL BUSINESS ADMINISTRATION**

**Notices**

Aviation Growth Investments, Inc.; application for approval of conflict of interest transaction.....	12354
Urban Ventures, Inc.; issuance of license to operate as a minority enterprise small business investment company.....	12354

**TRANSPORTATION DEPARTMENT**

See Federal Aviation Administration; Hazardous Materials Office; National Highway Traffic Safety Administration.

**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.

<b>6 CFR</b>	<b>14 CFR</b>	<b>40 CFR</b>
201.....	39 (3 documents).....	180 (2 documents).....
205.....	385.....	12311
	12308, 12309	<b>41 CFR</b>
<b>7 CFR</b>	12310	101-17.....
301 (3 documents).....	<b>21 CFR</b>	12312
730.....	121.....	<b>46 CFR</b>
908.....	12310	<b>PROPOSED RULES:</b>
1890g.....	<b>PROPOSED RULES:</b>	536.....
<b>PROPOSED RULES:</b>	1.....	12329
948.....	102.....	<b>47 CFR</b>
12326	12327	25.....
<b>8 CFR</b>	12327	73 (5 documents).....
214.....	<b>25 CFR</b>	12318,
12307	<b>PROPOSED RULES:</b>	12320, 12321, 12323
<b>9 CFR</b>	5.....	<b>PROPOSED RULES:</b>
51.....	12326	73.....
76 (2 documents).....	<b>32 CFR</b>	12328
12308	1632.....	<b>49 CFR</b>
	12311	571.....
		1033.....
		1056.....
		12324
		12324



# Rules and Regulations

## Title 6—ECONOMIC STABILIZATION

### Chapter II—Pay Board

#### PART 201—STABILIZATION OF WAGES AND SALARIES

##### Productivity Incentive Programs

On April 19, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 7715) to provide for the treatment of certain productivity incentive programs under the authority of the Economic Stabilization Act of 1970, as amended (Public Law 92-210, 85 Stat. 743), Executive Order No. 11640 (37 F.R. 1213, January 27, 1972), as amended by Executive Order No. 11660 (37 F.R. 6175, March 25, 1972), and Cost of Living Council Order No. 3 (36 F.R. 20202, October 16, 1971, as amended). After consideration of all such relevant comments and suggestions that were submitted by interested persons, pertaining to the proposed rules, the amendment of the regulations as proposed is hereby adopted, as set forth below.

**Effective date.** These amendments shall be effective on and after June 22, 1972.

GEORGE H. BOLDT,  
Chairman of the Pay Board.

PARAGRAPH 1. Section 201.57 is amended by adding a new paragraph (j) to read as follows:

§ 201.57 Exclusions from adjustment computations.

(j) *Certain productivity incentive programs.* Increases attributable to the operation of certain productivity incentive programs described in § 201.59.

PAR. 2. A new § 201.59 is added immediately after § 201.58 to read as follows:

§ 201.59 Productivity incentive programs.

(a) *Existing productivity incentive programs.* A productivity incentive program (as defined in paragraph (d) of this section) in existence, or proposed for installation and communicated to employees, prior to November 14, 1971, will be allowed to operate according to its terms. Thus, any increases attributable to the operation of such a program may be excluded from adjustment computations pursuant to § 201.57(j). This paragraph shall apply to productivity incentive programs on either a plant-wide or less than plant-wide basis. In the case of a substantial revision of such a program, the provisions of paragraph

(b) or (c) of this section (whichever is applicable), shall apply.

(b) *New or revised productivity incentive programs on a plant-wide basis.* Increases attributable to the operation of a new or substantially revised existing plant-wide productivity incentive program (as defined in paragraph (d) of this section) may be excluded from adjustment computations pursuant to § 201.57(j) if—

(1) Within 30 days of the installation of such a program, or revision thereof, or within 30 days of June 22, 1972, whichever is later, the employer has filed with the Pay Board a certification of such installation or revision which shall include a full description of the program and (if applicable) its revision, and

(2) Increases under such program, or revisions thereof, actually reflect and are directly related to increases in productivity.

(c) *New or revised productivity incentive programs on less than a plant-wide basis.* If, on less than a plant-wide basis, the installation of a new productivity incentive program (as defined in paragraph (d) of this section) or the installation of changes to an existing productivity incentive program which would substantially revise the terms of such program, would cause the annual aggregate wage and salary increase of an appropriate employee unit to exceed the maximum permissible annual aggregate, increases attributable to the operation of such program may be excluded from adjustment computations pursuant to § 201.57(j): *Provided,* That increases under such program, or revisions thereof, actually reflect and are directly related to increases in productivity. Prior to the installation of such a program or the implementation of revisions thereto, or within 30 days of June 22, 1972, whichever is later, the employer shall provide the Pay Board with a description of such program and shall certify to the Board that the program, or revisions thereto, will substantially meet criteria appropriate for such plans or practices. Among the factors which may be considered are that the plan or practice—

(1) Provides employees the expectation of a level of earnings above base rates which will vary in relationship to changes in productivity, but which will not result in increased unit labor costs for the employer;

(2) Is designed to provide earnings opportunities sufficient to motivate the participants;

(3) Contains standards of performance and provisions for revising such standards to reflect changes in equipment, methods, quality requirements and other factors related to the basis for standards development;

(4) Contains guarantees of wages and earnings for such contingencies as down-

time for reasons beyond the control of participants and for nonstandard work; and

(5) Defines the employees included and their relationship to increased productivity.

(d) *Productivity incentive program defined.* For the purposes of this part, the term "productivity incentive program" means a plan or practice which establishes a formal system whereby, in accordance with predetermined formulas, wage and salary payments to an employee or a group of employees increase as the measured productivity of such employee or group increases; provided, that where a single plan or practice is plant-wide and includes all or substantially all of the employees in a plant or firm, payments may be based on the measured increase in productivity for such plant or firm as a whole.

(e) *Discontinuance.* If a productivity incentive program is discontinued and such action results in an increase in wages and salaries to the employees affected, the employer shall certify to the Pay Board within 30 days of discontinuance that such action was taken in good faith and not for the purpose of circumventing the intent of the economic stabilization program.

(f) *Variable compensation.* Notwithstanding any other provision of this section, any plan or practice providing for the payment or award of "incentive compensation" as defined in § 201.72(e) of this part shall be governed by subpart D of this part. Plans or practices described in § 201.77 which do not meet the definition of productivity incentive programs (as defined in paragraph (d) of this section) are governed by subpart D of this part.

PAR. 3. Section 201.77(b) of this part is amended to read as follows and a new paragraph (c) is added:

§ 201.77 Sales, commission, and production incentive plans or practices.

(b) *Changes in method of calculating earnings.* Except as provided in §§ 201.57(j) and 201.59 (with respect to certain productivity incentive programs), if any change in the method of calculating the earnings of any employee in a plan or practice unit under a plan or practice described in paragraph (a) of this section results in an increase in the aggregate amount of compensation of such plan or practice unit, the amount of such increase shall be deemed to be an increase in wages and salaries for the wage year earned with respect to the covered plan or practice unit. Such increase shall be apportioned to the appropriate employee units of the employees participating in the plan or practice unit. The amount of such increase which shall be apportioned to each such appropriate

employee unit shall be determined as follows: The number of employees in an appropriate employee unit who are participating in such a plan or practice unit multiplied by a fraction, the numerator of which is the amount of the increase and the denominator of which is the number of employees in the plan or practice unit.

(c) *New productivity incentive plan or practice.* Notwithstanding the provisions of this section and the provisions of §§ 201.78 and 201.79, any plan or practice described in § 201.59 shall be governed by the provisions of that section and shall be subject to the certification requirements set forth therein.

#### § 201.80 [Deleted]

PAR. 4. Section 201.80 is deleted.

[FR Doc. 72-9500 Filed 6-21-72; 8:53 am]

### PART 205—PAY BOARD PROCEDURAL REGULATIONS

On April 27, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 8463). That notice proposed to revise and republish Part 205 (6 CFR Part 205). Interested persons were given 10 days in which to submit written comments or suggestions. After consideration of all such comments and suggestions, the revision as previously proposed is hereby adopted with certain modifications made in §§ 205.2 (definition of "Pay Challenge"), 205.4(b) (filing of documents), 205.6 (a) and (e) (service), 205.22 (where to file; also, see 205.36 and 205.51), 205.28 (a) and (c) (decision by Board), 205.29(c) (further review), 205.31 (c), (d), and (e) (initial action on requests for exception), 205.33 (c), (d), (e), and (f) (initial action on pay challenges), 205.34 (scope and review), 205.40 (decision by Board on review), 205.41 (c), (d), (e), and (f) (request for reconsideration), and 205.81(c)(2) (retroactive pay adjustment challenges; proceedings).

*Effective date.* This revision of Part 205 is effective on June 22, 1972.

Part 205 is revised and republished as set forth below.

GEORGE H. BOLDT,  
Chairman of the Pay Board.

#### Subpart A—General

Sec.	
205.1	Purpose and scope.
205.2	Definitions.
205.3	Representation.
205.4	Filing of documents.
205.5	Computation of time.
205.6	Service.
205.7	Extension of time.
205.8	Subpenas; witness fees.
205.9	Consolidations.

#### Subpart B—Appeals From Adverse Actions

205.20	Purpose and scope.
205.21	Who may appeal.
205.22	Where to file appeal.
205.23	When to file appeal.
205.24	Contents.
205.25	Screening of appeals.
205.26	Obtaining record.
205.27	Informal hearings.
205.28	Decision by Board.
205.29	Further review.

#### Subpart C—Requests for Exceptions and Pay Challenges

205.30	Purpose and scope.
205.31	Initial action on requests for exception.
205.32	Application for leave to participate in pay challenge proceedings.
205.33	Initial action on pay challenges.
205.34	Scope of review.
205.35	Who may request review.
205.36	Where to file.
205.37	When to file.
205.38	Contents.
205.39	Informal hearings.
205.40	Decision by Board on review.
205.41	Request for reconsideration.

#### Subpart D—Petition and Comment on Rule Making

205.50	Scope.
205.51	Where to file.
205.52	When to file.

#### Subpart E—Formal Hearings

205.60	Purpose and scope.
205.61	Appointment of Hearing Officer.
205.62	Notice of hearing.
205.63	Powers and duties of the Hearing Officer.
205.64	Record.

#### Subpart F—Retroactive Pay Adjustments

205.80	Purpose and scope.
205.81	Retroactive pay adjustment challenges; proceedings.
205.82	Board decisions.

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

#### Subpart A—General

##### § 205.1 Purpose and scope.

(a) This part establishes procedures for—

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

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

(3) Petitions and comments on rule making;

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

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

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

##### § 205.2 Definitions.

For purposes of this part—

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

"Adverse action" means an action by the Board or IRS denying the position, in whole or in part, of a party at interest (as defined by § 201.3 of this chapter)

with respect to a pay adjustment, or an interpretation issued by IRS or ruling issued by the Office of the Chief Counsel for the Internal Revenue Service which is contrary to the position asserted by the person seeking the interpretation or ruling.

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

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

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

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

"IRS" means the Internal Revenue Service.

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

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

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

(b) The Chairman, or two or more other members of the Board.

"Person aggrieved" means:

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

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

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

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

##### § 205.3 Representation.

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

##### § 205.4 Filing of documents.

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

(b) An employer or employer association filing—

- (1) A request for an exception under § 205.11 of this chapter,
- (2) A challenge,
- (3) A retroactive pay adjustment,
- (4) An appeal or request for review or reconsideration with respect to pay adjustment, or
- (5) Briefs and other documents in support of his position with respect to subparagraphs (1)-(4) of this paragraph,

shall at the same time serve copies of each such document on the collective bargaining agent, if any, of the affected employee unit. If any of the above documents is filed by a collective bargaining agent, such collective bargaining agent must at the same time serve copies of each such document on the affected employer or employer association.

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

**§ 205.5 Computation of time.**

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

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

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

**§ 205.6 Service.**

(a) All documents required to be served under this part are to be served personally, by registered or certified mail, by regular U.S. mail (this option available only for service by the Board), or, where circumstances render such service impracticable, service will be effected as provided for by paragraph (e) of this section or § 205.4 (b) and (c), as appropriate.

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

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

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

(e) Whenever the Board serves a determination, or decision and order with respect to a pay adjustment upon a person, a copy of such determination, or decision and order will also be served on any person aggrieved. If, however, such person aggrieved is an unrepresented employee, the Board will provide the employer of such employee with a copy of such determination, or decision and order. Such employer shall immediately notify any employee who is a person aggrieved with respect to a pay adjustment (see § 205.2) of the nature of the determination, or decision and order and of the availability for inspection of such determination, or decision and order. Reasonable rules shall be established by

the employer with respect to such inspections.

**§ 205.7 Extension of time.**

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

**§ 205.8 Subpenas; witness fees.**

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

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

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

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

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

**§ 205.9 Consolidations.**

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

**Subpart B—Appeals From Adverse Actions**

**§ 205.20 Purposes and scope.**

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

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

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

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

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

**§ 205.21 Who may appeal.**

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

**§ 205.22 Where to file appeal.**

An appeal shall be filed with the Pay Board, 2025 M Street NW., Washington, DC 20508, and a copy of the appeal shall be sent to the official who issued the adverse action being appealed. At the same time, appellant shall serve copies of such appeal and supporting documents on the parties at interest as provided for in § 205.4 (b) and (c).

**§ 205.23 When to file appeal.**

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

**§ 205.24 Contents.**

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

**§ 205.25 Screening of appeals.**

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

- (1) Was erroneous in fact or in law; or
- (2) In the case of a decision denying—
  - (i) A Request for Exception, or
  - (ii) A retroactive pay adjustment,

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

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

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

**§ 205.26 Obtaining record.**

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

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

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

#### § 205.27 Informal hearings.

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

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

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

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

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

#### § 205.28 Decision by Board.

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

(a) The Board will issue a decision in writing and direct it and an appropriate order to the appellant;

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

(c) If the decision denies the relief requested, in whole or in part, the decision will contain a statement of the grounds for denial unless the denial is self-explanatory or is affirming a prior denial. Any person aggrieved will be advised that he may request further review in accordance with § 205.29 if appropriate. If further review is not available under § 205.29, appellant will be advised that he may seek judicial review under the Act.

#### § 205.29 Further review.

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

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

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

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

#### Subpart C—Requests for Exceptions and Pay Challenges

##### § 205.30 Purpose and scope.

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

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

(c) In all cases under paragraph (a) or (b) of this section, filing and processing of—

(1) Requests for exceptions shall be filed in accordance with the regulations issued under Subpart D of Part 401 of this title unless the Board directs otherwise.

(2) Pay challenges to existing contracts and pay practices previously set forth by parties at interest shall be filed and processed in accordance with the regulations issued under Subpart E of Part 401 of this title unless the Board directs otherwise.

(d) Determinations, decisions, and other actions of the Board pursuant to §§ 205.31 through 205.33 will be rendered by the Chairman or his delegate pursuant to delegated authority or by the Pay Board or a panel of the Board.

(e) If the initial decision of the Board is rendered by—

(1) The Chairman or his delegate, requests for review will be considered by the Pay Board (or a panel of the Board) pursuant to §§ 205.34 through 205.40, and

(2) The Pay Board (or a panel of the Board), requests for reconsideration will be considered by the Pay Board (or a panel of the Board) pursuant to § 205.41.

##### § 205.31 Initial action on requests for exception.

(a) The Board in its discretion may invite the applicant, other parties at interest and other parties, if appropriate, to make an oral presentation, or provide for an informal hearing (pursuant to § 205.39), or a formal hearing (pursuant to Subpart E of this part).

(b) In general, the Board will render its decision on the record which will consist of the request, any written submissions by the applicant and other appropriate parties to the IRS or the Board, if appropriate, at the time of the request, and any information developed by the IRS. However, if a presentation or hearing is conducted in accordance with paragraph (a) of this section, the record will also contain an account of such presentation or hearing. The Board will determine whether such account will be in the form of a report, minutes, or transcript.

(c) After considering the record the Board will issue a decision in writing and direct it and an appropriate order to the person filing the request for exception.

(d) If the Board grants an exception, it will—

(1) Serve upon the applicant, other parties to the proceedings, and any other person required to be served under § 205.6(e) a copy of its decision and order, and

(2) Allow any person aggrieved to request review of the Board's action pursuant to §§ 205.34 through 205.40 or reconsideration pursuant to § 205.41, as appropriate.

(e) If the Board denies an exception, in whole or in part, it will—

(1) Serve upon the applicant, other parties to the proceedings, and any other person required to be served under § 205.6(e) a copy of its decision which will contain a statement of the grounds for denial unless the denial is self-explanatory, and an appropriate order, and

(2) Allow any person aggrieved to request review of the Board's action pursuant to §§ 205.34 through 205.40 or reconsideration pursuant to § 205.41, as appropriate.

##### § 205.32 Application for leave to participate in pay challenge proceedings.

(a) Upon receipt of a pay challenge, the Board will notify the parties at interest as defined in § 201.3 of this chapter that a pay challenge has been filed and that they may participate in the proceedings by submitting a brief or other documentary evidence, or otherwise in accordance with § 205.33.

(b) In addition, a person who is—  
(1) An employer whose competitive position in a labor market would be adversely affected if the challenge were upheld, or

(2) An employee representative, or, in the absence of such representative, an employee whose bargaining position would be adversely affected if the challenge were upheld,

may make timely application to the Board for leave to participate in its proceedings, such person shall state his name and address, identify the docket number of the challenge, if known, state specifically the manner in which he is interested in the challenged adjustment, specify the relief sought, and sign the application for leave to participate.

(c) Upon receipt of an application filed in accordance with paragraph (b) of this section, the Board will determine whether the applicant's participation in the proceedings will contribute to the equitable disposition of the challenge.

(d) If the applicant meets the requirement of paragraph (c) of this section, he will be granted leave to participate. In such case, the Board will notify the applicant in writing and afford him a reasonable opportunity to submit documentary evidence or briefs in support of his position.

(e) If the Board denies leave to participate in the proceedings, it will so notify the applicant in writing.

**§ 205.33 Initial action on pay challenges.**

(a) The Board in its discretion may allow an oral presentation, or provide for an informal hearing (pursuant to § 205.39), or a formal hearing (pursuant to Subpart E of this part).

(b) In general, the Board will render its decision on the record which will consist of the challenge, any information developed by IRS and other written submissions by the parties at interest and other persons granted leave to participate under § 205.32(d). However, if a presentation or hearing is conducted in accordance with paragraph (a) of this section, the record will also contain an account of such presentation or hearing. The Board will determine whether such account will be in the form of a report, minutes, or transcript.

(c) After considering the record, the Board will issue a decision in writing and direct it and an appropriate order to the person filing the pay challenge.

(d) Where the Board allows the challenged pay adjustment to stand, it will serve upon each party to the proceedings a copy of its decision and order.

(e) Where the Board denies a pay adjustment, in whole or in part, it will serve upon each party at interest and other parties to the proceedings a copy of its decision and order. The decision will contain a statement of the grounds for denial unless the denial is self-explanatory.

(f) Any person aggrieved by a decision of the Board under paragraph (c) of this section may request reconsideration by the Board (or a panel of the Board) pursuant to § 205.41. Notwithstanding the foregoing, failure to request reconsideration pursuant to § 205.41 shall not constitute a failure to exhaust administrative remedies for purposes of judicial review.

**§ 205.34 Scope of review.**

(a) The Board will review the approval or the denial of a pay adjustment by the Chairman or his delegate if the request for review makes a prima facie showing that—

(1) The initial action was erroneous in fact or in law or

(2) It appears to be otherwise inequitable.

(b) If the Board determines that the request for review failed to make a prima facie showing, the Board may summarily reject the request for review, notify the applicant and other parties at interest of its action, and advise the applicant that he has exhausted his administrative remedies and that he may seek judicial review under the Act.

(c) If the Board determines that the request for review has made a prima facie showing, it will proceed in accordance with the provisions of §§ 205.39 and 205.40.

**§ 205.35 Who may request review.**

Any person aggrieved or other party to the initial proceedings conducted by the Chairman or his delegate may request review by the Board.

**§ 205.36 Where to file.**

A request for review shall be filed with the Pay Board, 2025 M Street NW., Washington, DC 20508.

**§ 205.37 When to file.**

A request for review must be filed within 14 days of service of the decision allowing or denying the relief requested.

**§ 205.38 Contents.**

A request for review shall—

(a) Be in writing and signed by the party requesting such review;

(b) Be designated clearly as a request for review;

(c) Include a copy of the adverse action from which review is requested;

(d) Contain a concise statement of the grounds for review and the requested relief;

and, such request may be accompanied by briefs.

**§ 205.39 Informal hearings.**

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

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

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

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

(e) Within 30 days after the close of the hearing, the Hearing Officer, if one is

used, will submit a report to the Board, and, when the Board so directs, a recommendation with respect to the disposition of the case.

**§ 205.40 Decision by Board on review.**

(a) The Board will issue a decision in writing and direct it and an appropriate order to the person requesting review.

(b) A copy of the decision and order will be served upon the parties at interest and other parties to the proceedings.

(c) If the decision denies the relief requested by any person aggrieved, in whole or in part, the decision will contain a statement of the grounds for denial unless the denial is self-explanatory or is affirming a prior denial.

(d) Any person aggrieved may seek judicial review under the Act if the decision denies the relief requested.

**§ 205.41 Request for reconsideration.**

(a) Any person aggrieved or other party to the initial proceedings may request the Board (or a panel of the Board) to reconsider its initial decision. Such a request must be filed with the Board within 14 days of service of the decision allowing or denying the relief requested.

(b) A request for reconsideration shall be in writing, be signed by the party requesting such reconsideration, be designated clearly as a request for reconsideration, and contain a concise statement of the grounds for reconsideration including any errors of record.

(c) The Board will reconsider its initial action if the request for reconsideration makes a prima facie showing that—

(1) The initial action was erroneous in fact or in law, or

(2) It appears to be otherwise inequitable.

(d) If the Board determines that the request for reconsideration failed to make a prima facie showing, the Board may summarily reject the request for reconsideration, notify the applicant and other parties at interest of its action, and advise the applicant that he has exhausted his administrative remedies and that he may seek judicial review under the Act.

(e) If the Board determines that the request for reconsideration has made a prima facie showing, it will proceed in accordance with paragraph (f) of this section.

(f) After considering the record, the Board will issue a decision in writing and direct it and an appropriate order to the person requesting reconsideration. A copy of the decision and order will be served upon the parties at interest and other parties to the proceedings. If the decision denies the relief requested by any person aggrieved, in whole or in part, the decision will contain a statement of the grounds for denial unless the denial is self-explanatory or is affirming a prior denial. Any person aggrieved may seek judicial review under the Act if the decision denies the relief requested.

### Subpart D—Petition and Comment on Rule Making

#### § 205.50 Scope.

The Board shall afford any interested person the right to petition or comment on the issuance, amendment, or repeal of any ruling or regulation promulgated by the Board.

#### § 205.51 Where to file.

Petitions or comments shall be filed with the Pay Board, 2025 M Street NW., Washington, DC 20508.

#### § 205.52 When to file.

A petition or comment may be filed at any time.

### Subpart E—Formal Hearings

#### § 205.60 Purpose and scope.

(a) To the maximum extent possible, the Board will conduct formal hearing for the purpose of hearing arguments or acquiring information bearing on a wage or salary increase or proposed wage or salary increase if such increase or proposed increase has or may have a significantly large impact upon the national economy.

(b) A formal hearing held pursuant to this subpart will be open to the public, but such hearings may be closed to the public for the purpose of receiving information considered to be confidential under section 205 of the Act.

#### § 205.61 Appointment of Hearing Officer.

If a formal hearing is directed by the Board in accordance with § 205.60, a Hearing Officer may be appointed by the Board to preside over such hearing.

#### § 205.62 Notice of hearing.

At the Board's discretion, notice will be published in the FEDERAL REGISTER of the nature, date, and time of the hearing and of the appointment of the Hearing Officer if appropriate. Thereafter, all documents and other papers shall be filed with the Hearing Officer, or in the absence of the appointment of a Hearing Officer, with the Executive Secretariat of the Board.

#### § 205.63 Powers and duties of the Hearing Officer.

(a) In addition to any other powers specified in this part, a Hearing Officer shall have the power:

- (1) To administer oaths and affirmations;
- (2) To examine or cross-examine witnesses;
- (3) To issue subpoenas authorized by the Act;
- (4) To rule upon offers of proof and receive evidence;
- (5) To regulate the course and conduct of the hearing, including—

(i) Continuing the hearing from day to day or adjourning it to a later date or different place by announcement thereof at the hearing or by other appropriate notice;

(ii) Taking official notice of any material fact not appearing in evidence in the record;

(iii) Excluding from the hearing persons who engage in misconduct; and

(iv) Striking all related testimony of a witness who refuses to answer questions ruled to be proper;

(6) To rule on motions and to dispose of procedural requests or similar matters; and

(7) To issue recommendations and prepare orders.

(b) The Hearing Officer will conduct the hearing as expeditiously as possible, in accordance with instructions received from the Board in each individual case. Within 30 days after the close of the hearing, he will transmit the record of the hearing together with his recommendations and proposed order, if any, to the Board. A copy of any such recommendation or proposed order will be served on the parties at interest and other parties to the proceedings.

(c) The Hearing Officer's authority in each case will terminate upon transmitting the record of the hearing and his recommendation and proposed order, if any, to the Board.

#### § 205.64 Record.

(a) The record of a formal hearing will consist of an account of the proceedings of such hearing and all documents and exhibits submitted during the course of such hearing.

(b) The Board will determine whether the account of the hearing shall be in the form of a report, minutes or transcript. If the hearing is conducted by a Hearing Officer, such determinations will be part of the instructions given to such Officer pursuant to § 205.63 (b).

(c) Copies of the account of the hearing may be obtained by any party upon payment of the fees fixed therefor, if any.

### Subpart F—Retroactive Pay Adjustments

#### § 205.80 Purpose and scope.

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

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

(c) In all cases under paragraphs (a) and (b) of this section, requests for retroactive pay adjustments shall be filed with the Board or IRS as expressly provided for by the substantive provision under which application is being made (see §§ 201.13 and 201.15 of this chapter).

#### § 205.81 Retroactive pay adjustment challenges; proceedings.

(a) For purposes of this subpart, a challenge to a retroactive pay adjust-

ment may be filed by a party at interest (as defined in § 201.3 of this chapter) or two or more members of the Board. Such challenge must be filed within 28 days of prenotification or within 28 days of providing any additional information requested by the Board.

(b) Upon receipt of such a challenge, the Board will notify the parties at interest that a challenge to a retroactive pay adjustment has been filed and that they may participate in the proceedings by submitting a brief or other documentary evidence, or otherwise if the Board so directs.

(c) In addition, a person who is—

(1) An employer whose competitive position in a labor market would be adversely affected if the challenge were upheld or

(2) An employee-representative, or, in the absence of such representative, an employee whose bargaining position would be adversely affected if the challenge were upheld,

may make timely application to the Board for leave to participate in its proceedings, such person shall state his name and address, identify the docket number of the challenge, if known, state specifically the manner in which he is interested in the challenged adjustment, specify the relief sought, and sign the application for leave to participate.

(d) Upon receipt of an application filed in accordance with paragraph (c) of this section, the Board will determine whether the applicant's participation in the proceedings will contribute to the equitable disposition of the challenge.

(e) If the applicant meets the requirement of paragraph (d) of this section, he will be granted leave to participate. In such case, the Board will notify the applicant in writing and afford him a reasonable opportunity to submit documentary evidence or briefs in support of his position.

#### § 205.82 Board decisions.

The procedural regulations contained in §§ 205.33 through 205.41 (relating to pay challenges) are generally adopted with respect to retroactive pay adjustments.

[FR Doc. 72-9501 Filed 6-21-72; 8:53 am]

## Title 7—AGRICULTURE

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

#### PART 301—DOMESTIC QUARANTINE NOTICES

##### Subpart—Gypsy Moth and Brown-tail Moth

Pursuant to sections 8 and 9 of the Plant Quarantine Act, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), Notice of Quarantine No. 45 relating to the gypsy moth and brown-tail moth and regulations supplemental to said quarantine (7 CFR

301.45, 301.45-1, 301.45-2, 301.45-3 et seq.), are hereby revised to read as follows:

QUARANTINE AND REGULATIONS

- Sec. 301.45 Quarantine; restriction on interstate movement of specified regulated articles.
- 301.45-1 Definitions.
- 301.45-2 Authorization to designate, and terminate designation of, regulated areas and suppressive or generally infested areas and hazardous mobile home parks and recreational sites; and to exempt articles from certification, permit, or other requirements.
- 301.45-3 Conditions governing the interstate movement of regulated articles from quarantined States.
- 301.45-4 Issuance and cancellation of certificates and permits.
- 301.45-5 Compliance agreement, and cancellation thereof.
- 301.45-6 Assembly and inspection of regulated articles.
- 301.45-7 Attachment and disposition of certificates or permits.
- 301.45-8 Inspection and disposal of regulated articles and pests.
- 301.45-9 Movement of live gypsy moths and browntail moths.
- 301.45-10 Nonliability of the Department.

**AUTHORITY:** The provisions of this subpart issued under secs. 8, 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended, 37 F.R. 6327, 6505.

§ 301.45 Quarantine; restriction on interstate movement of specified regulated articles.

(a) *Notice of quarantine.* Pursuant to the provisions of sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), the Secretary of Agriculture heretofore determined after public hearing that it was necessary to quarantine the States of Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, in order to prevent the spread of the gypsy moth (*Porthetria dispar*), and the States of Maine, Massachusetts, and New Hampshire, to prevent the spread of browntail moth (*Nygmia phaeorrhoea*), dangerous insects injurious to forests and shade trees and not theretofore widely prevalent or distributed within and throughout the United States, and accordingly quarantined said States. Pursuant to the said provisions and after public hearing the Secretary has now determined that it is necessary also to quarantine the States of Delaware and Maryland to prevent the spread of the gypsy moth. Under the authority of said provisions, the Secretary hereby quarantines the States of Delaware and Maryland, and continues in effect the quarantine of the other specified States as aforesaid, with respect to the interstate movement from the quarantined States of the articles described in paragraph (b) of this section, issues the regulations in this subpart

governing such movement, and gives notice of said quarantine and regulations.

(b) *Quarantine restrictions on interstate movement of specified regulated articles.* No common carrier or other person shall move interstate from any quarantined States any of the following articles (defined in § 301.45-1(s) as regulated articles), except in accordance with the conditions prescribed in this subpart:

- (1) Gypsy moth regulated articles:
  - (i) Trees, shrubs with persistent woody stems, and parts of such trees and shrubs, except seeds, fruits and cones.
  - (ii) Timber and timber products, including but not limited to lumber, planks, poles, logs, cordwood, and pulpwood.
  - (iii) Mobile homes and recreational vehicles, and associated equipment, moving from hazardous mobile home parks or recreational sites listed in § 301.45-2c.
  - (iv) Stone and quarry products.
- (2) Browntail moth regulated articles:
  - (i) Deciduous trees, and shrubs with persistent woody stems, and parts of such trees and shrubs, with leaves attached.
  - (3) Any other products, articles, or means of conveyance, of any character whatsoever, not covered by subparagraphs (1) and (2) of this paragraph, when it is determined by an inspector that they present a hazard of spread of the gypsy moth or brown tail moth and the person in possession thereof has been so notified.

§ 301.45-1 Definitions.

Terms used in the singular form in this subpart shall be deemed to import the plural, and vice versa, as the case may demand. The following terms, when used in this subpart shall be construed respectively to mean:

- (a) *Associated equipment.* Articles associated with mobile homes and recreational vehicles such as awnings, tents, outdoor furniture, trailer blocks, and trailer skirts.
- (b) *Browntail moth.* The live insect known as the browntail moth (*Nygmia phaeorrhoea* Donov.), in any stage of development.
- (c) *Certificate.* A document issued or authorized to be issued under this subpart by an inspector to allow the interstate movement of regulated articles to to any destination.
- (d) *Compliance agreement.* A written agreement between a person engaged in growing, handling, or moving regulated articles, and the Plant Protection and Quarantine Programs, wherein the former agrees to comply with the requirements of this subpart identified in the agreement by the inspector who executes the agreement on behalf of the Plant Protection and Quarantine Programs as applicable to the operations of such person.
- (e) *Deputy Administrator.* The Deputy Administrator of the Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or any other officer or employee of said Service to whom authority to act in his

stead has been or may hereafter be delegated.

(f) *Generally infested area.* Any part of a regulated area not designated as a suppressive area in accordance with § 301.45-2.

(g) *Gypsy moth.* The live insect known as the gypsy moth (*Porthetria dispar* L.) in any stage of development.

(h) *Hazardous mobile home parks or recreational sites.* Any mobile home parks or recreational sites determined to be hazardous by the Deputy Administrator and so listed by him in § 301.45-2c.

(i) *Infestation.* The presence of the gypsy moth or browntail moth or the existence of circumstances that make it reasonable to believe that the gypsy moth or browntail moth is present.

(j) *Inspector.* Any employee of the Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or other person, authorized by the Deputy Administrator to enforce the provisions of the quarantine and regulations in this subpart.

(k) *Interstate.* From any State into or through any other State.

(l) *Limited permit.* A document issued or authorized to be issued by an inspector to allow the interstate movement of noncertifiable regulated articles to a specified destination for limited handling, utilization or processing or for treatment.

(m) *Mobile home; mobile home park.* A mobile home is any highway vehicle designed to serve, when parked, as a semipermanent dwelling or place of business (in some cases as an office); Mobile home parks are any premises where any mobile home is located, whether such mobile home is occupied or not, and including mobile home sales or storage yards.

(n) *Moved (movement, move).* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved by any means. "Movement" and "move" shall be construed accordingly.

(o) *Person.* Any individual, corporation, company, society, or association, or other organized group of any of the foregoing.

(p) *Plant Protection and Quarantine Programs.* The organizational unit within the Animal and Plant Health Inspection Service delegated responsibility for enforcing provisions of the Plant Quarantine Act and Federal Plant Pest Act, and regulations promulgated thereunder.

(q) *Regulated area.* Any quarantined State, or any portion thereof, listed as a regulated area in § 301.45-2a or otherwise designated as a regulated area in accordance with § 301.45-2(a).

(r) *Recreational vehicles.* Highway vehicles, including pickup truck campers, one-piece motor homes, and travel trailers, designed to serve as a temporary place of dwelling.

(s) *Regulated articles.* Any articles as described in § 301.45(b).

(t) *Restricted destination permit.* A document issued or authorized to be issued by an inspector to allow the interstate movement of regulated articles not certifiable under all applicable Federal domestic plant quarantines to a specified destination for other than scientific purposes.

(u) *Scientific permit.* A document issued by the Deputy Administrator to allow the interstate movement to a specified destination of regulated articles for scientific purposes.

(v) *State.* Any State, Territory, or District of the United States, including Puerto Rico.

(w) *Suppressive area.* That portion of a regulated area where eradication of infestation is undertaken as an objective, as designated under § 301.45-2(a).

(x) *Treatment manual.* The provisions currently contained in the "Manual of Administratively Authorized Procedures to be Used Under the Gypsy Moth and Brown-tail Moth Quarantine" and the "Fumigation Procedures Manual."<sup>1</sup>

§ 301.45-2 Authorization to designate, and terminate designation of, regulated areas and suppressive or generally infested areas and hazardous mobile home parks and recreational sites; and to exempt articles from certification, permit, or other requirements.

(a) *Regulated areas and suppressive or generally infested areas.* The Deputy Administrator shall list as regulated areas, in a supplemental regulation designated as § 301.45-2a, each quarantined State; or each portion thereof in which gypsy moth or brown-tail moth has been found or in which there is reason to believe that gypsy moth or brown-tail moth is present, or which it is deemed necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. The Deputy Administrator, in the supplemental regulation, may divide any regulated area into a suppressive area or a generally infested area in accordance with the definitions thereof in § 301.45-1. Less than an entire quarantined State will be designated as a regulated area only if the Deputy Administrator is of the opinion that:

(1) The State has adopted and is enforcing a quarantine or regulation which imposes restrictions on the intrastate movement of the regulated articles which are substantially the same as those which are imposed with respect to the interstate movement of such articles under this subpart; and

(2) The designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of the gypsy moth and brown-tail moth.

<sup>1</sup> Pamphlets containing such provisions are available upon request to the Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, or from an inspector.

(b) *Temporary designation of regulated areas and suppressive or generally infested areas.* The Deputy Administrator or an authorized inspector may temporarily designate any other premises in a quarantined State as a regulated area and a suppressive or generally infested area, in accordance with the criteria specified in paragraph (a) of this section for listing such area, by serving written notice thereof on the owner or person in possession of such premises, and thereafter the interstate movement of regulated articles from such premises by any person having notice of the designation shall be subject to the applicable provisions of this subpart. As soon as practicable, such premises shall be added to the list in § 301.45-2a if a basis then exists for their designation; otherwise the designation shall be terminated by the Deputy Administrator or an authorized inspector, and notice thereof shall be given to the owner or person in possession of the premises.

(c) *Termination of designation as a regulated area and a suppressive or generally infested area.* The Deputy Administrator shall terminate the designation provided for under paragraph (a) of this section of any area listed as a regulated area or suppressive or generally infested area when he determines that such designation is no longer required under the criteria specified in paragraph (a) of this section.

(d) *Exemption of articles from certification, permit, or other requirements.* The Deputy Administrator may, in a supplemental regulation designated as § 301.45-2b, list regulated articles or movements of regulated articles which shall be exempt from the certification, permit, or other requirements of this subpart under such conditions as he may prescribe, if he finds that facts exist as to the pest risk involved in the movement of such regulated articles which make it safe to so relieve such requirements.

(e) *List of hazardous mobile home parks or recreational sites.* The Deputy Administrator shall list as hazardous in § 301.45-2c any mobile home parks or recreational sites in a quarantined State in which gypsy moth has been found, or in which there is reason to believe that gypsy moth is present, or in which there is a risk of infestation of the gypsy moth because of the proximity to infestation of the gypsy moth.

§ 301.45-3 Conditions governing the interstate movement of regulated articles from quarantined States.<sup>2</sup>

Any regulated articles may be moved interstate from any quarantined State under the following conditions:

(a) From any gypsy moth or brown-tail moth regulated area, with certificate or permit issued and attached in accordance with §§ 301.45-4 and 301.45-7 if moved:

(1) From any gypsy moth or brown-tail moth regulated area into or through

<sup>2</sup> Requirements under all other applicable Federal domestic plant quarantines must also be met.

any point outside of the regulated areas; or

(2) From any gypsy or brown-tail moth generally infested area into or through any gypsy moth or brown-tail suppressive area; or

(3) From any gypsy moth or brown-tail moth suppressive area into or through any noncontiguous gypsy moth or brown-tail moth suppressive area; or from any gypsy moth suppressive area into or through any contiguous brown-tail moth suppressive area, or from any brown-tail moth suppressive area into or through any contiguous gypsy moth suppressive area; or

(4) Between contiguous gypsy moth suppressive areas or between contiguous brown-tail moth suppressive areas when it is determined by an inspector that the regulated articles present a hazard of the spread of the gypsy moth or brown-tail moth and the person in possession thereof has been so notified; or

(b) From any regulated area, without certificate or permit if moved:

(1) Under the provisions of § 301.45-2b which exempts certain articles from certificate and permit requirements; or

(2) From a gypsy moth generally infested area to a contiguous gypsy moth generally infested area; or

(3) From a brown-tail moth generally infested area to a contiguous brown-tail moth generally infested area; or

(4) From a gypsy moth suppressive area to a contiguous gypsy moth generally infested area; or

(5) From a brown-tail moth suppressive area to a contiguous brown-tail moth generally infested area; or

(6) Between contiguous gypsy moth suppressive areas or between contiguous brown-tail moth suppressive areas unless the person in possession of the articles has been notified by an inspector that a hazard of spread of the gypsy moth or brown-tail moth, respectively, exists; or

(7) Through or reshipped from any regulated area if the articles originated outside of any regulated area and if the point of origin of the articles is clearly indicated, their identity has been maintained and they have been safeguarded against infestation while in the regulated area in a manner satisfactory to the inspector; or

(c) From any area outside the regulated areas, if moved:

(1) With a certificate or permit attached; or

(2) Without a certificate or permit, if:

(i) The regulated articles are exempt from certification and permit requirements under the provisions of § 301.45-2b; or

(ii) The point of origin of such movement is clearly indicated on the articles or shipping document which accompanies the articles and if the movement is not made through any regulated area.

§ 301.45-4 Issuance and cancellation of certificates and permits.

(a) Certificates may be issued for any regulated articles by an inspector if he determines that they are eligible for certification for movement to any destination under all Federal domestic plant

quarantines applicable to such articles and:

(1) Have originated in noninfested premises in a regulated area and have not been exposed to infestation while within the regulated areas; or

(2) Upon examination, have been found to be free of infestation; or

(3) Have been treated to destroy infestation in accordance with the treatment manual; or

(4) Have been grown, produced, manufactured, stored, or handled in such a manner that no infestation would be transmitted thereby.

(b) Limited permits may be issued by an inspector to allow interstate movement of regulated articles not eligible for certification under this subpart, to specified destinations for limited handling, utilization, or processing, or for treatment in accordance with the treatment manual, when, upon evaluation of the circumstances involved in each specific case, he determines that such movement will not result in the spread of the gypsy moth or browntail moth and requirements of other applicable Federal domestic plant quarantines have been met.

(c) Restricted destination permits may be issued by an inspector to allow the interstate movement (for other than scientific purposes) of regulated articles to any destination permitted under all applicable Federal domestic plant quarantines if such articles are not eligible for certification under all such quarantines but would otherwise qualify for certification under this subpart.

(d) Scientific permits to allow the interstate movement of regulated articles may be issued by the Deputy Administrator under such conditions as may be prescribed in each specific case by the Deputy Administrator to prevent the spread of the gypsy moth and the browntail moth.

(e) Certificate, limited permit, and restricted destination permit forms may be issued by an inspector to any person for use for subsequent shipments of regulated articles provided such person is operating under a compliance agreement; and any such person may be authorized by an inspector to reproduce such forms on shipping containers or otherwise. Any such person may execute and issue the certificate forms, or reproductions of such forms, for the interstate movement of regulated articles from the premises of such person identified in the compliance agreement if such person has treated such regulated articles to destroy infestation in accordance with the treatment manual, and if such regulated articles are eligible for certification for movement to any destination under all Federal domestic plant quarantines applicable to such articles. Any such person may execute and issue the limited permit forms, or reproductions of such forms, for interstate movement of regulated articles to specified destinations when the inspector has made the determinations specified in paragraph (b) of this section. Any such person may execute and issue the restricted destination permit forms, or reproductions of such forms, for the interstate movement of regulated articles

not eligible for certification under all Federal domestic plant quarantines applicable to such articles, under the conditions specified in paragraph (c) of this section.

(f) Any certificate or permit which has been issued or authorized may be withdrawn by the inspector or the Deputy Administrator if he determines that the holder thereof has not complied with any condition for the use of such document imposed by this subpart. Prior to such withdrawal, the holder of the certificate or permit shall be notified of the proposed action and the reason therefor and afforded reasonable opportunity to present his views thereon.

#### § 301.45-5 Compliance agreement, and cancellation thereof.

(a) Any person engaged in the business of growing, handling, or moving regulated articles may enter into a compliance agreement to facilitate the movement of such articles under this subpart. Compliance agreement forms may be obtained from the Deputy Administrator or an inspector.

(b) Any compliance agreement may be canceled by the inspector who is supervising its enforcement whenever he finds, after notice and reasonable opportunity to present views has been accorded to the other party thereto, that such other party has failed to comply with the conditions of the agreement.

#### § 301.45-6 Assembly and inspection of regulated articles.

Persons (other than those authorized to use certificates, limited permits, or restricted destination permits, or reproductions thereof, under § 301.45-4(e)) who desire to move interstate regulated articles which must be accompanied by a certificate or permit shall, as far in advance as possible, request an inspector to examine the articles prior to movement. Such articles shall be assembled at such points and in such manner as the inspector designates to facilitate inspection.

#### § 301.45-7 Attachment and disposition of certificates and permits.

(a) If a certificate or permit is required for the interstate movement of regulated articles, the certificate or permit shall be securely attached to the outside of the container in which such articles are moved, except that, where the certificate or permit is attached to the waybill or other shipping document, and the regulated articles are adequately described on the certificate, permit, or shipping document, the attachment of the certificate or permit to each container of the articles is not required.

(b) In all cases, certificates or permits shall be furnished by the carrier to the consignee at the destination of the shipment.

#### § 301.45-8 Inspection and disposal of regulated articles and pests.

Any properly identified inspector is authorized to stop and inspect, and to seize, destroy, or otherwise dispose of, or require disposal of regulated articles and gypsy moths or browntail moths as

provided in section 10 of the Plant Quarantine Act (7 U.S.C. 164a) and section 105 of the Federal Plant Pest Act (7 U.S.C. 150dd) in accordance with instructions issued by the Deputy Administrator.

#### § 301.45-9 Movement of live gypsy moths and browntail moths.

Regulations requiring a permit for, and otherwise governing the movement of live gypsy moths and browntail moths in interstate or foreign commerce are contained in the Federal Plant Pest Regulations in Part 330 of this chapter. Applications for permits for the movement of the pest may be made to the Deputy Administrator.

#### § 301.45-10 Nonliability of the Department.

The U.S. Department of Agriculture disclaims liability for any costs incident to inspections or compliance with the provisions of the quarantine and regulations in this subpart, other than for the services of the inspector.

Pursuant to a notice of hearing and rule making published in the FEDERAL REGISTER on January 7, 1972 (37 F.R. 217), a public hearing was held in Baltimore, Md., on February 8, 1972, regarding the necessity of quarantining the States of Alabama, Delaware, Florida, Maryland, North Carolina, Ohio, South Carolina, Virginia, Wisconsin, and the District of Columbia on account of the gypsy moth. After due consideration of all relevant matters presented at the hearing and in response to the notice, including the fact that gypsy moth egg masses were found in Delaware and Maryland but not in the District of Columbia or the other States named, it has been decided to add only Delaware and Maryland to the list of States quarantined because of gypsy moth.

In addition, other substantive changes are as follows:

The list of gypsy moth regulated articles has been revised to add mobile homes and recreational vehicles, and associated equipment, if moved from designated hazardous mobile home parks or recreational sites. Further, the revision specifically authorizes the Deputy Administrator to terminate the designation of regulated areas under specified criteria.

Appropriate changes are also made to reflect the reorganization of the Animal and Plant Health Service. The responsibility for enforcement of Federal domestic plant quarantines has been transferred from Animal and Plant Health Service to Animal and Plant Health Inspection Service. In addition, § 301.45-4 was amended to restrict the issuance of certificates by a holder of a compliance agreement to the issuance of certificates based on compliance with treatment and other requirements. Various other changes were also made.

The revision of the quarantine makes more stringent gypsy moth requirements than presently applied and it should be made effective promptly in order to prevent the spread of the gypsy moth and to be of maximum benefit to the noninfested States.

Therefore, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that further notice of rule making and other public procedures with respect to the revision are impracticable and unnecessary, and good cause is found for making the revision effective less than 30 days after publication in the FEDERAL REGISTER. This revision will become effective upon publication in the FEDERAL REGISTER and shall supersede the quarantine and regulations contained in §§ 301.45, 301.45-1, 301.45-2, and §§ 301.45-3 through 301.45-10. The provisions in § 301.45-2b remain in effect. The provisions of § 301.45-2a are being revised by a separate document.

Done at Washington, D.C., this 10th day of June 1972.

F. J. MULHERN,  
Administrator, Animal and  
Plant Health Inspection Service.

[FR Doc. 72-9447 Filed 6-21-72; 8:52 am]

## PART 301—DOMESTIC QUARANTINE NOTICES

### Subpart—Gypsy Moth and Brown-tail Moth

#### REGULATED AREAS

Pursuant to the provisions of sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), and § 301.45-2 of the Gypsy Moth and Brown-tail Moth Quarantine regulations, 7 CFR 301.45-2, as amended, a supplemental regulation designating regulated areas, 7 CFR 301.45-2a, is hereby amended to read as follows:

§ 301.45-2a Regulated areas; suppressive and generally infested areas.

(a) The civil divisions and parts of civil divisions described below are designated as gypsy moth regulated areas within the meaning of the provisions of this subpart, and such regulated areas are hereby divided into generally infested areas or suppressive areas as indicated below.

#### CONNECTICUT

- (1) *Generally infested area.* The entire State.
- (2) *Suppressive area.* None.

#### DELAWARE

- (1) *Generally infested area.* New Castle County. The entire county.
- (2) *Suppressive area.* None.

#### MAINE

- (1) *Generally infested area.* Androscoggin County. The entire county. Cumberland County. The entire county. Franklin County. The towns of Avon, Berlin, Carthage, Chesterville, Crockettown, Dallas Plantation, Farmington, Freeman, Greenvale, Industry, Jay, Jerusalem, Kingfield, Madrid, Mount Abraham, New Sharon, New Vineyard, Perkins, Phillips, Rangeley Plantation, Redington, Salem, Sandy River Plantation, Strong, Temple, Washington, Weld, and Wilton, and Townships D and E. Hancock County. All of the county except Plantations 3, 4, 35, and 41. Kennebec County. The entire county. Knox County. The entire county.

Lincoln County. The entire county. Oxford County. All that part of the county lying south and southeast of, and including, the towns of Magalloway and Richardson-town.

Penobscot County. The towns of Alton, Argyle, Bradford, Bradley, Carmel, Charleston, Clifton, Corinna, Corinth, Dexter, Dixmont, Eddington, Edinburg, Enfield, Etna, Exeter, Garland, Glenburn, Grand Falls Plantation, Greenbush, Greenfield, Hampden, Hermon, Holden, Howland, Hudson, Kenduskeag, La Grange, Levant, Lincoln, Lowell, Mettamscontis, Maxfield, Milford, Newburgh, Newport, Orono, Orrington, Passadumkeag, Plymouth, Stetson, Summit, and Veazie, and the cities of Bangor, Brewer, and Old Town.

Piscataquis County. The towns of Abbott, Atkinson, Dover-Foxcroft, Guilford, Kingsbury Plantation, Medford, Milo, Orneville, Parkman, Sangerville, Sebec, and Wellington.

Sagadahoc County. The entire county. Somerset County. All that part of the county lying south and southeast of, and including Highland and Pleasant Ridge Plantations, towns of Moscow, and Mayfield Plantation.

Waldo County. The entire county. Washington County. The towns of Beddington, Cherryfield, Columbia, Deblois, Harrington, Millbridge, and Steuben, and Plantations 18 and 24.

York County. The entire county.

(2) *Suppressive area.* None.

#### MARYLAND

- (1) *Generally infested area.* Cecil County. The entire county. Kent County. The entire county.
- (2) *Suppressive area.* None.

#### MASSACHUSETTS

- (1) *Generally infested area.* The entire State.
- (2) *Suppressive area.* None.

#### NEW HAMPSHIRE

- (1) *Generally infested area.* Belknap County. The entire county. Carroll County. The entire county. Cheshire County. The entire county. Coos County. All that part of the county lying south of, and including, the towns of Stratford, Odell, Dummer, and Cambridge. Grafton County. The entire county. Hillsboro County. The entire county. Merrimack County. The entire county. Rockingham County. The entire county. Strafford County. The entire county. Sullivan County. The entire county.
- (2) *Suppressive area.* None.

#### NEW JERSEY

- (1) *Generally infested area.* The entire State.
- (2) *Suppressive area.* None.

#### NEW YORK

- (1) *Generally infested area.* Albany County. The entire county. Bronx County. The entire county. Broome County. The entire county. Chenango County. The entire county. Clinton County. The entire county. Columbia County. The entire county. Delaware County. The entire county. Dutchess County. The entire county. Essex County. The entire county. Franklin County. All of the county, except the town of Altamont. Fulton County. The entire county. Greene County. The entire county. Hamilton County. The entire county. Herkimer County. The towns of Columbia, Danube, Fairfield, Frankfort, German Flatts, Herkimer, Litchfield, Little Falls, Manheim, Newport, Norway, Russia, Salisbury, Schuyler,

Stark, Warren, and Winfield; and the city of Little Falls.

Kings County. The entire county. Madison County. The entire county. Montgomery County. The entire county. Nassau County. The entire county. New York County. The entire county. Oneida County. All of the county except the towns of Ava, Boonville, and Forestport. Onondaga County. The entire county. Orange County. The entire county. Otsego County. The entire county. Putnam County. The entire county. Queens County. The entire county. Rensselaer County. The entire county. Richmond County. The entire county. Rockland County. The entire county. St. Lawrence County. The towns of Brasher, Hopkinton, Lawrence, Louisville, Massena, Norfolk, Parishville, and Stockholm. Saratoga County. The entire county. Schenectady County. The entire county. Schoharie County. The entire county. Suffolk County. The entire county. Sullivan County. The entire county. Ulster County. The entire county. Warren County. The entire county. Washington County. The entire county. Westchester County. The entire county. (2) *Suppressive area.* Jefferson County. The towns of Brownville, Cape Vincent, Clayton, LeRay, Lyme, Orleans, and Pamela; and the city of Watertown. Monroe County. The town of Penfield.

#### PENNSYLVANIA

- (1) *Generally infested area.* Adams County. The entire county. Berks County. The entire county. Bradford County. The entire county. Bucks County. The entire county. Carbon County. The entire county. Centre County. The entire county. Chester County. The entire county. Clinton County. The entire county. Columbia County. The entire county. Cumberland County. The entire county. Dauphin County. The entire county. Delaware County. The entire county. Huntingdon County. The townships of Barree, Jackson, and Miller; and the boroughs of Cornpropts Mills, Ennlsville, Greenwood Furnace, McAlevys Fort, and Salsbury. Juniata County. The entire county. Lackawanna County. The entire county. Lancaster County. The entire county. Lebanon County. The entire county. Lehigh County. The entire county. Luzerne County. The entire county. Lycoming County. The entire county. Mifflin County. The entire county. Monroe County. The entire county. Montgomery County. The entire county. Montour County. The entire county. Northampton County. The entire county. Northumberland County. The entire county. Perry County. The entire county. Philadelphia County. The entire county. Pike County. The entire county. Schuylkill County. The entire county. Snyder County. The entire county. Susquehanna County. The entire county. Sullivan County. The entire county. Union County. The entire county. Wayne County. The entire county. Wyoming County. The entire county. York County. The entire county.
- (2) *Suppressive area.* None.

#### RHODE ISLAND

- (1) *Generally infested area.* The entire State.
- (2) *Suppressive area.* None.

#### VERMONT

- (1) *Generally infested area.* Addison County. The entire county.

*Bennington County.* The entire county.  
*Caledonia County.* The towns of Barnet, Danville, Gorton, Hardwick, Kirby, Peacham, Ryegate, St. Johnsbury, Walden, and Waterford.

*Chittenden County.* The entire county.  
*Essex County.* The towns of Concord, Granby, Guildhall, Lunenburg, Maidstone, and Victory.

*Franklin County.* The entire county.  
*Grande Isle County.* The entire county.  
*Lamoille County.* The entire county.  
*Orange County.* The entire county.  
*Rutland County.* The entire county.  
*Washington County.* The entire county.  
*Windham County.* The entire county.  
*Windsor County.* The entire county.

(2) *Suppressive area.* None.

(b) The civil divisions and parts of civil divisions described below are designated browntail moth regulated areas within the meaning of the provisions of this subpart; and each regulated area is hereby divided into generally infested areas or suppressive areas as indicated below:

MAINE

(1) *Generally infested area.*

*Cumberland County.* The towns of Brunswick, Cape Elizabeth, Cumberland, Falmouth, Freeport, Gray, Gorham, Harpswell, North Yarmouth, Pownal, Scarborough, Windham, and Yarmouth; the cities of Portland, South Portland, and Westbrook; and the offshore islands within the Casco Bay area of Cumberland County.

*Sagadahoc County.* The towns of Arrowsic, Georgetown, Phippsburg, West Bath, and Woolwich; the city of Bath; and the offshore islands within the Casco Bay area of Sagadahoc County.

(2) *Suppressive area.*

*York County.* The entire county.

MASSACHUSETTS

(1) *Generally infested area.*

*Barnstable County.* The towns of Barnstable, Dennis, Provincetown, Truro, and Yarmouth.

(2) *Suppressive area.*

*Barnstable County.* The towns of Brewster, Chatham, Eastham, Harwich, Orleans, and Wellfleet.

NEW HAMPSHIRE

(1) *Generally infested area.* None.

(2) *Suppressive area.*

*Bellnap County.* The entire county.  
*Carroll County.* The towns of Brookfield, Effingham, Freedom, Moultonborough, Ossipee, Sandwich, Tamworth, Wakefield, and Wolfboro.

*Hillsborough County.* The entire county.  
*Merrimack County.* The entire county.  
*Rockingham County.* The entire county.  
*Strafford County.* The entire county.

(Secs. 8, 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended; 36 F.R. 261; 7 CFR 301.45-2)

This amendment shall become effective upon publication in the FEDERAL REGISTER (6-22-72).

The Deputy Administrator of the Plant Protection and Quarantine Programs has determined that infestations of the gypsy moth exist or are likely to exist in the civil divisions and parts of civil divisions listed as regulated areas in paragraph (a), or that it is necessary to regulate such areas because of their proximity to gypsy moth infestations or their inseparability for quarantine enforcement purposes from gypsy moth infested localities. The Deputy Administrator has also

determined that infestations of the browntail moth exist or are likely to exist in the civil divisions and parts of civil divisions listed as regulated areas in paragraph (b), or that it is necessary to regulate such areas because of their proximity to browntail moth infestations or their inseparability for quarantine enforcement purposes from browntail moth infested localities.

The Deputy Administrator has further determined that each of the quarantined States, wherein only portions of the State have been designated as regulated areas, is enforcing a quarantine or regulation with restrictions on intrastate movement of the regulated articles substantially the same as the restrictions on interstate movement of such articles imposed by the quarantine and regulations in this subpart, and that designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of the gypsy moth and browntail moth. Therefore, such civil divisions and parts of civil divisions listed above in paragraph (a) are designated as gypsy moth regulated areas and those listed in paragraph (b) are designated as browntail moth regulated areas.

This amendment adds to the gypsy moth regulated areas all or parts of the following previously nonregulated counties: New Castle County in Delaware, Cecil and Kent Counties in Maryland, Onondaga and Monroe Counties in New York, and Adams, Bradford, Clinton, Cumberland, Huntingdon, Juniata, Lycoming, Mifflin, Perry, Snyder, Union, and York Counties in Pennsylvania. The gypsy moth regulated area has been extended in some previously regulated counties. There is no change in the browntail moth regulated.

This document imposes restrictions that are necessary in order to prevent the dissemination of the gypsy moth and the browntail moth and should be made effective promptly to accomplish its purpose in the public interest. Accordingly, it is found upon good cause, under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to the foregoing regulation are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 16th day of June 1972.

LEO G. K. IVERSON,  
*Acting Deputy Administrator,  
 Plant Protection and Quarantine Programs.*

[FR Doc. 72-9446 Filed 6-21-72; 8:52 am]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Gypsy Moth and Browntail Moth

LIST OF HAZARDOUS MOBILE HOME PARKS AND RECREATIONAL SITES

Pursuant to the provisions of sections 8 and 9 of the Plant Quarantine Act of

August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), and § 301.45-2 of the Gypsy Moth and Browntail Moth Quarantine regulations, 7 CFR 301.45-2, as amended, a supplemental regulation designating hazardous mobile home parks and recreational sites, 7 CFR 301.45-2c, is hereby issued to read as follows:

§ 301.45-2c List of hazardous mobile home parks and recreational sites.

The mobile home parks and recreational sites listed below are hereby designated as gypsy moth hazardous mobile home parks and recreational sites within the meaning of the provisions of this subpart; and are hereby divided into hazardous mobile home parks and hazardous recreational sites as indicated below.

(a) *Hazardous recreational sites.*

CONNECTICUT

NEW LONDON COUNTY

Town—Preston

Mount Lewis Campsite.

(b) *Hazardous mobile home parks.*

CONNECTICUT

FAIRFIELD COUNTY

Town—Danbury

Beaver Brook Trailer Park.  
 Candlewood Mobile Home Park.  
 Davis Trailer Park.  
 Eddyville Trailer Park.  
 Jensen's, Inc. (Lakeview), Mobile Home Park.  
 Meadowbrook Vista Mobile Home Site.  
 Mill Plain Trailer Park.  
 Pleasantwood Trailer Park.

Town—Newtown

Market Trend Mobile Home Park.  
 Meadowbrook Terrace Mobile Home Park.  
 Midway Trailer Park.

Town—Norwalk

Kelly's Mobile Home Park.  
 Laporta's Trailer Park.  
 Passero's Mobile Home Park.  
 Sarno's Mobile Home Park.

Town—Shelton

Fairchild Heights, Inc., Trailer Park.  
 Sunnyside Mobile Home Park.  
 Woodland Mobile Home Park.

Town—Westport

Imperial Trailer Park.

HARTFORD COUNTY

Town—Bristol

Klmtart Mobile Home Site.  
 Pine Trailer Park.  
 Riverside Mobile Home Park.

Town—East Hartford

Rivermead Mobile Home Park.

Town—Marlboro

Marlboro Mobile Home Park.

Town—Plainville

Jensen's, Inc. (Oak Grove), Mobile Home Park.  
 Turner's Trailer Park.

Town—Southington

Forest Hill Mobile Home Park.  
 Jensen's, Inc. (Cedar Springs), Mobile Home Park.

Jensen's, Inc. (Three Gardens), Mobile Home Park.  
Taylor's Mobile Home Park.

*Town—South Windsor*

Ierna's Trailer Park.  
Trailer Village Mobile Home Park.

*Town—Vernon (Rockville)*

High Manor Mobile Home Park.

LITCHFIELD COUNTY

*Town—New Milford*

American Mobile Home Sales.  
Lord's Trailer Park.  
West Falls Trailer Court.

*Town—Terryville (Plymouth)*

James R. Duff Trailer Park.  
Jensen's, Inc. (Lakeside), Mobile Home Park.

*Town—Thomaston*

Ancil's Trailer Park.

MIDDLESEX COUNTY

*Town—Clinton*

Carrol Burnham Trailer Park.  
Cedar Grove Trailer Park.  
Dud's Trailer Park.  
Evergreen Mobile Home Park.  
Goodrich Trailer Park.  
Meadow Road Trailer Park.  
YD Trailer Park.

*Town—East Hampton*

Mobile Home Village.  
Pine Trailer Park.

*Town—Killingsworth*

Jensen's, Inc. (Beachwood), Mobile Home Park.

*Town—Westbrook*

Green Acres Mobile Home Park.  
Jensen's, Inc. (Grove Beach), Mobile Home Park.

NEW HAVEN COUNTY

*Town—Beacon Falls*

Beacon Falls Trailer Park.  
Valley Mobile Home Sales.

*Town—Bethany*

Ed's Trailer Park.

*Town—Branford*

Bagley's Mobile Home Park.  
Hamilton Trailer Park.  
Highland Park No. 1 Trailer Park.  
Highland Park No. 2 Trailer Park.  
Kaydee Mobile Home Park.  
Lamphier's Cove Trailer Court.  
O'Connell's Mobile Home Park.  
Paved Lane Mobile Home Park.  
Pine Grove Mobile Home Park.  
Ralph Delucia Mobile Home Park.  
Shoreline Trailer Court.

*Town—Guilford*

Francis Trailer Park.

*Town—Meriden*

Greenwood Mobile Home Park.  
New England Trailer Park.  
Smitty's Mobile Home Court.  
Woodland Trailer Park.

*Town—Milford*

Fairchild Sales, Inc.  
Green Acres Mobile Home Park.  
Hayes Trailer Park.  
Ryder Trailer Park.  
Twin Oaks Trailer Park.

*Town—Naugatuck*

Baker's Trailer Park.  
Idleview Trailer Park.

Valley Mobile Home Park.  
Weber Trailer Park.

*Town—North Branford*

Pleasant Acres Mobile Home Park.  
Russ Anderson's Mobile Home Park.

*Town—Orange*

Trallertown Mobile Home Park.

*Town—Prospect*

Harmony Acres Mobile Home Park.

*Town—Wallingford*

Henry's Trailer Park.  
Miller's Trailer Court.  
Restland Mobile Home Park.  
Sunny Acres Mobile Home Park.  
Three Oaks Mobile Home Park.

*Town—Waterbury*

Ray E. Reimer Trailer Park.

*Town—West Haven*

Hebb's Trailer Park.

*Town—Yalesville (Wallingford)*

Gopolan Mobile Home Park.  
Loring Mobile Home Court.

NEW LONDON COUNTY

*Town—Baltic*

Pleasure Valley Mobile Home Park.

*Town—Griswold*

Country Mobile Estates.  
Dziedzic Trailer Park.  
Lakeview Mobile Home Park.  
Lisee Trailer Park.  
Tilting Rock Mobile Home Park.

*Town—Groton*

Ackley's Hi-Rock Trailer Park.  
Buddington Road Mobile Home Park.  
Candlewood Mobile Home Park.  
Conning Towers Mobile Home Park.  
Dolphin Trailer Park.  
Drive-In Trailer Park.  
Groton Mobile Home Park.  
Groton Mobile Home Sales.  
Highland Avenue Trailer Park.  
Long Cove Mobile Home Park.  
Mobile Gardens of Groton.  
Roger's Trailer Park.

*Town—Ledyard*

Avery Hill Acres.  
Baudro Trailer Park.  
Clifford Stimpson Trailer Sites.  
Colonel Ledyard Trailer Park.  
Lampasana Trailer Site.  
Nolan's Acres Trailer Park.  
Pitt's Trailer Site.  
Rocky Knoll Trailer Park.  
Warner's Trailer Park.  
Wickson's Mobile Home Park.

*Town—Lisbon*

Lisbon Mobile Home Park.  
Tunnel Hill Mobile Home Park.

*Town—Montville*

Busy Beaver Trailer Park.  
Lamb's Trailer Park.  
L. Rioux Trailer Park.  
Oakridge Trailer Park.  
Russell's Trailer Park.  
Sherman Trailer Park.  
UTZ Trailer Park.  
Viens Trailer Park.  
Jensen's, Inc. (Marina Cove), Mobile Home Park.

*Town—Mystic (Groton)*

Whipple's Mobile Home Park.

*Town—North Stonington*

A. Morgan Stewart Mobile Home Park.  
Arlington Acres Mobile Home Park.

*Town—Norwich*

Hillside Mobile Home Park.  
Little Valley Mobile Village.  
Oakland Heights Mobile Home Park.  
Sunny Water Mobile Home Park.

*Town—Oakdale (Montville)*

C. Fox Trailer Park.  
Parroza's Trailer Park.  
Stefanski's Trailer Park.

*Town—Stonington (Mystic)*

Fair Acres Mobile Home Park.  
Wheelerbrook Mobile Home Park.

*Town—Taftville (Norwich)*

Beauregard's Mobile Home Park.

*Town—Waterford*

Woodland Trailer Park.

TOLLAND COUNTY

*Town—Boiton*

Anderson Mobile Home Park.  
Porcheron Trailer Park.  
Silverstein Trailer Park.

*Town—Coventry*

Lakefront Mobile Home Park.

*Town—Mansfield*

Burkamp Trailer Park.  
Jensen's, Inc. (Rolling Hills), Mobile Home Park.  
Mansfield Mobile Home Manor.  
Route 32 Trailer Park.

*Town—Merrow (Mansfield)*

Valley Mobile Home Village.

*Town—Storrs (Mansfield)*

Arrow Acres Trailer Park.

*Town—Vernon*

Charest Mobile Home Park.

*Town—Willington*

Individual Lots: Individual lots on Navratil, Williams, and Inchon Roads, including all mobile homes on dirt side roads leading from the above named roads.

WINDHAM COUNTY

*Town—Brooklyn*

Paradise Lake Trailer Sites.  
Safeguard Mobile Home Storage.

*Town—Canterbury*

Longview Mobile Home Estates.

*Town—Killingly*

Carol Conrad Trailer Park.  
Ferreira's Mobile Haven.  
Idle Hours Mobile Home Park.

*Town—Plainfield*

Laporte's Trailer Park.  
Plainfield Mobile Home Park.  
Westview Terrace.

*Town—Willimantic (Windham)*

Pinecrest Trailer Park.

*Town—Windham*

Mazzola's Trailer Park.

MASSACHUSETTS

BARNSTABLE COUNTY

*Town—South Dennis*

Airlines Mobile Home Park.

BERKSHIRE COUNTY

*Town—Cheshire*

Kitchen Brook Trailer Park.

*Town—Lee*  
Mountain View Trailer Park.

HAMPDEN COUNTY  
*Town—Chicopee*  
Gill Trailer Park & Sales.  
*Town—Westfield*  
Oaks Mobile Home Park.

NORFOLK COUNTY  
*Town—Foxboro*  
Raceway Mobile Home Park.  
*Town—Holbrook*  
Mogan's Mobile Home Park.

WORCESTER COUNTY  
*Town—Auburn*  
American Mobile Home Park.  
*Town—Brookfield*  
Wagon Wheel Mobile Home Park.  
*Town—Lunenburg*  
Pine Rest Mobile Home Park.  
*Town—Shrewsbury*  
Edgemere Mobile Home Park.

NEW JERSEY  
All mobile home parks in the State.

NEW YORK  
BRONX COUNTY  
All mobile home parks in county.

COLUMBIA COUNTY  
*Town—Kinderhook*  
Stones Trailer Park.

DUTCHESS COUNTY  
All mobile home parks in county.

FULTON COUNTY  
*Town—Gloversville*  
CO-Z Mobile Home Park.

GREENE COUNTY  
*Town—Cairo*  
Chick-a-dee Trailer Court.

HERKIMER COUNTY  
*Town—Ilion*  
Buttonball Trailer Park.  
*Town—Little Falls*  
Homestead Trailer Park & Sales.  
*Township—Schuyler*  
Green Acres.  
Skyline Mobile Home Park.

KINGS COUNTY  
All mobile home parks in county.

NASSAU COUNTY  
All mobile home parks in county.

NEW YORK COUNTY  
All mobile home parks in county.

ONEIDA COUNTY  
*Town—New Hartford*  
Wald-Mar Park.  
*Town—Sauquoit*  
Leisure Valley Mobile Home Park.

*Town—Verona*  
Downer Trailer Park.  
Evans Trailer Park.

ORANGE COUNTY  
All mobile home parks in county.

POTNAM COUNTY  
All mobile home parks in county.

QUEENS COUNTY  
All mobile home parks in county.

RICHMOND COUNTY  
All mobile home parks in county.

ROCKLAND COUNTY  
All mobile home parks in county.

SARATOGA COUNTY  
*Town—Malta*  
Malta Mobile Homes.  
*Town—Saratoga Springs*  
Selby Trailer Court.

SCHENECTADY COUNTY  
*Town—Scotia*  
Fred's Modern Trailer Court.  
Reynolds Trailer Court.

SUFFOLK COUNTY  
All mobile home parks in county.

SULLIVAN COUNTY  
All mobile home parks in county.

ULSTER COUNTY  
All mobile home parks in county.

WESTCHESTER COUNTY  
All mobile home parks in county.

PENNSYLVANIA  
BERKS COUNTY  
All mobile home parks in county.

BUCKS COUNTY  
All mobile home parks in county.

CARBON COUNTY  
All mobile home parks in county.

LACKAWANNA COUNTY  
All mobile home parks in county.

LEHIGH COUNTY  
All mobile home parks in county.

LUZERNE COUNTY  
All mobile home parks in county.

MONROE COUNTY  
All mobile home parks in county.

MONTGOMERY COUNTY  
All mobile home parks in county.

NORTHAMPTON COUNTY  
All mobile home parks in county.

PHILADELPHIA COUNTY  
All mobile home parks in county.

PIKE COUNTY  
All mobile home parks in county.

SCHUYLKILL COUNTY  
All mobile home parks in county.

WAYNE COUNTY  
All mobile home parks in county.

RHODE ISLAND  
KENT COUNTY  
*Town—Warwick*  
Bald Hill Mobile Park.  
*Town—West Greenwich*  
Morton's Mobile Park.

PROVIDENCE COUNTY  
*Town—Cumberland*  
The Pines Trailer Park.  
*Town—Glocester*  
West Glocester Trailer Park.

WASHINGTON COUNTY  
*Town—Charlestown*  
Border Holl Mobile Home Park.  
Indian Cedar Trailer Park.  
*Town—Exeter*  
Mobile Village, Inc.  
*Town—North Kingstown*  
Kingstown Mobile Homes, Park and Sales.  
Lynch's Trailer Park.  
*Town—Richmond*  
Hillsdale Mobile Home Park.

(Secs. 8, 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended, 37 F.R. 6327, 6505; 7 CFR 301.45-2c)

This list of gypsy moth hazardous mobile home parks and recreational sites shall become effective upon publication in the FEDERAL REGISTER (6-22-72).

The Deputy Administrator of the Animal and Plant Health Inspection Service has determined that in the above-listed mobile home parks and recreational sites gypsy moth has been found, or there is reason to believe that gypsy moth is present, or there is a risk of infestation of the gypsy moth because of the proximity to infestation of the gypsy moth. Therefore, the listed mobile home parks and recreational sites are hereby designated as hazardous.

This document imposes restrictions that are necessary in order to prevent the spread of the gypsy moth and should be made effective promptly to accomplish its purpose in the public interest. Accordingly it is found under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with regard to this action are impracticable and unnecessary, and good cause is found for making this document effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., the 16th day of June 1972.

LEO G. K. IVERSON,  
Acting Deputy Administrator,  
Animal and Plant Health Inspection Service

[FR Doc.72-9445 Filed 6-21-72; 8:51 am]

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

**SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS**

[Amdt. 12]

**PART 730—RICE**

**Subpart—Rice Marketing Quota Regulations for 1967 and Subsequent Crop Years**

**1972 RATE OF PENALTY**

*Basis and purpose.* The amendment herein is issued under and in accordance with the provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.).

The purpose of this amendment is to announce the rate of penalty applicable to excess rice produced in the 1972 crop year.

Under the Act, the penalty rate per pound on the farm marketing excess is equal to 65 per centum of the parity price per pound for rice as of June 15 of the calendar year in which the crop is produced.

Since rice will shortly be harvested in some parts of the rice-producing areas and since the rate of penalty is essential in computing the amount of penalty on any excess rice production, it is important that this amendment be issued and made effective as soon as possible. In addition, calculation of the rate of penalty is a mathematical determination. Accordingly, it is hereby found that compliance with the notice, public procedure, and effective date requirements of 5 U.S.C. 553 is unnecessary and contrary to the public interest, and this amendment shall become effective as provided herein.

The subpart—Rice marketing quota regulations for 1967 and subsequent crop years (32 F.R. 8666) as amended, is amended as follows:

Section 730.22 is amended by adding at the end thereof a new sentence to read as follows:

**§ 730.22 Rate of penalty.**

\* \* \* The rate of penalty applicable to the 1972 crop of rice shall be 5.20 cents per pound. This is 65 per centum of the parity price as of June 15, 1972, which is determined to be \$8 per cwt., or 8.00 cents per pound.

(Secs. 356, 375, 52 Stat. 62, as amended, 66, as amended; 7 U.S.C. 1356, 1375)

Effective date: Date of filing with the Director, Office of the Federal Register.

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

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

[FR Doc.72-9396 Filed 6-21-72;8:47 am]

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

[Valencia Orange Reg. 397]

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

**Limitation of Handling**

**§ 908.697 Valencia Orange Regulation 397.**

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

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

which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 20, 1972.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period June 23, 1972, through June 29, 1972, are hereby fixed as follows:

- (i) District 1: 222,000 cartons;
- (ii) District 2: 264,000 cartons; and
- (iii) District 3: 114,000 cartons.

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

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

Dated: June 21, 1972.

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

[FR Doc.72-9557 Filed 6-21-72;11:55 am]

**Chapter XVIII—Farmers Home Administration, Department of Agriculture**

**SUBCHAPTER G—MISCELLANEOUS REGULATIONS**  
[AL-838(440)]

**PART 1890g—DAVIS-BACON AND RELATED ACTS**

**Wage Determinations**

Part 1890g, Title 7, Code of Federal Regulations (35 F.R. 14442) is amended by revising various sections and paragraphs due to procedural changes required by the Department of Labor. In connection with these requirements, Regional Administrators of the Employment Standards Administration became officially responsible for project wage determinations on March 6, 1972, and requests for such determinations under Davis-Bacon and related acts are to be sent to the appropriate Regional Administrator instead of to the Solicitor of Labor.

As amended, the revised sections will read as follows:

**§ 1890g.2 Contacts with the U.S. Department of Labor.**

All contacts with the U.S. Department of Labor, except requests for wage determination or redetermination and followup action to requested wage determinations, will be handled through the Farmers Home Administration National Office.

**§ 1890g.3 Requesting wage determination.**

A Department of Labor form, Form DB-11, "Request for Determination," will be used in requesting a wage determination for each construction contract. The County Supervisor will fill out Form DB-11 with the assistance of the applicant's

architect or engineer, or where applicant does not employ an architect or engineer, with FHA personnel. Form DB-11 will be sent to the Regional Administrator, Employment Standards Administration, U.S. Department of Labor as soon as practical and in no case less than 45 days prior to the anticipated date of advertising or informal request for bids. This timing is essential because minimum wage rates must be incorporated in the proposed contract documents released to bidders.

§ 1890g.4 Issuance of wage determination.

A Department of Labor Form SOL-123, "Wage Determination Decision," which incorporates the wage determination by the Department of Labor, will be transmitted through the State office to the County Supervisor. The County Supervisor will retain one copy for his files and forward the remaining copies immediately to the applicant for transmittal to its engineer or architect if one is employed or for transmittal to prospective contractors.

§ 1890g.5 Redetermination or extension of wage rates.

(b) When, due to unavoidable circumstances, a determination expires after the bid opening, but before the award, a request for an extension of the expiration date may be requested from the Regional Administrator. Such request shall include:

- (1) A copy of the original determination.
- (2) A statement fully supporting the necessity of an extension outlining clearly why it is necessary in the public interest to prevent injustice or undue hardship to the applicant or serious impairment of the Government's business.

§ 1890g.6 Supplemental classification.

(b) The State Director will then immediately submit a signed "Report of Wage Rate Classification," copies of which are available at all FHA offices, together with any supporting documentation, to the Regional Administrator of the Department of Labor.

(c) In the event the interested parties cannot agree on the proper classification or reclassification of a particular class of laborers and mechanics to be used, the question accompanied by the recommendation of FHA shall be referred to the Assistant Administrator, U.S. Department of Labor, Employment Standards Administration, Office of Government Contracts and Special Wage Standards, Washington, D.C., for final determination through the Regional Administrator.

(Sec. 510, 63 Stat. 437, 42 U.S.C. 1480; sec. 602, 78 Stat. 528, 42 U.S.C. 2942; sec. 301, 80 Stat. 379, 5 U.S.C. 301; order of Acting Secretary of Agriculture, 36 F.R. 21529; order of Assistant Secretary of Agriculture for Rural

Development and Conservation, 36 F.R. 21529; order of Director, OEO, 29 F.R. 14764)

Dated: June 1, 1972.

JOSEPH HASPRAY,  
Deputy Administrator,  
Farmers Home Administration.

[FR Doc.72-9398 Filed 6-21-72; 8:47 am]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service

PART 214—NONIMMIGRANT CLASSES

CFR Correction

In § 214.2(k) appearing on page 66 of title 8, revised as of January 1, 1972, a sentence as added at 36 F.R. 8660, May 11, 1971, was inadvertently omitted. As corrected, § 214.2(k) read as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

(k) *Fiancees and fiancés of U.S. citizens.* An alien defined in section 101(a) (15) (K) of the Act must be the beneficiary of an approved visa petition filed on Form I-129F. The petition with supporting documents shall be filed by the petitioner with the district director having administrative jurisdiction over the place where the petitioner is residing in the United States. A copy of a document submitted in support of a visa petition filed pursuant to section 214(d) of the Act and this paragraph may be accepted, though unaccompanied by the original, if the copy bears a certification by an attorney, typed or rubber stamped in the language set forth in § 204.2(f) of this chapter. However, the original document shall be submitted, if submittal is requested by the Service. A petition shall not be approved unless the petitioner satisfactorily establishes that he has personally met and seen the beneficiary prior to filing the petition. Without the approval of a separate petition on his behalf, a child of the beneficiary defined in section 101(b) (1) (A), (B), (C), (D), or (E) of the Act may be accorded the same nonimmigrant classification as the beneficiary if accompanying or following to join him. The petitioner shall be notified of the decision and, if the petition is denied, of the reasons therefor and of his right to appear in accordance with the provisions of Part 103 of this chapter. The approval of a petition under this paragraph shall be valid for a period of 4 months. A petition which has expired due to the passage of time may be revalidated by a district director or an American consular officer for a period of 4 months from the date of revalidation upon a finding that the petitioner and beneficiary are free to marry and intend to marry each other within 90 days of

the beneficiary's entry into the United States. The approval of any petition is automatically terminated when the petitioner dies or files a written withdrawal of the petition before the beneficiary arrives in the United States.

Title 9—ANIMALS AND ANIMAL PRODUCTS

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

SUBCHAPTER B—COOPERATIVE CONTROL AND ERADICATION OF LIVESTOCK OR POULTRY DISEASES

PART 51—CATTLE DESTROYED BECAUSE OF BRUCELLOSIS (BANG'S DISEASE), TUBERCULOSIS, OR PARATUBERCULOSIS

Payment of Indemnities

Pursuant to the provisions of sections 3, 4, 5, 11, and 13 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, section 3 of the Act of March 3, 1905, as amended, and section 3 of the Act of July 2, 1962 (21 U.S.C. 111-113, 114, 114a, 114a-1, 120, 121, 125, and 134b), Part 51, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

In § 51.9, paragraph (g) is deleted.

(Secs. 3, 4, 5, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; sec. 11, 58 Stat. 734, as amended; sec. 3, 76 Stat. 130, 21 U.S.C. 111-113, 114, 114a, 114a-1, 120, 121, 125, 134b; 29 F.R. 16210, as amended; 37 F.R. 6327, 6505)

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

The purpose of this amendment is to delete the provisions of § 51.9(g) in order to conform this section to amendments of §§ 51.2 and 51.6 made effective June 9, 1972, which eliminated the matching fund requirement for tuberculosis indemnity.

The amendment relieves restrictions presently imposed but no longer deemed necessary to facilitate the Federal-State cooperative tuberculosis eradication program, and should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 16th day of June 1972.

F. J. MULHERN,  
Administrator, Animal and Plant  
Health Inspection Service.

[FR Doc.72-9397 Filed 6-21-72;8:47 am]

SUBCHAPTER C—INTERSTATE TRANSPORTATION  
OF ANIMALS (INCLUDING POULTRY) AND AN-  
IMAL PRODUCTS

[Docket No. 72-528]

PART 76—HOG CHOLERA AND  
OTHER COMMUNICABLE SWINE  
DISEASES

Areas Quarantined

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

In § 76.2, a new paragraph (e) (7) relating to the State of Nebraska is added to read:

(7) *Nebraska.* That portion of Adams County bounded by a line beginning at the junction of the Adams-Kearney County line and U.S. Highway 6, 34; thence, following U.S. Highway 6, 34 in an eastern direction to Roseland Road; thence, following Roseland Road in a southern direction to Highline Road; thence, following Highline Road in a western direction to the Adams-Kearney County line; thence, following the Adams-Kearney County line in a northern direction to its junction with U.S. Highway 6, 34.

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

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

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

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

Accordingly, under the administrative

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

Done at Washington, D.C., this 16th day of June 1972.

F. J. MULHERN,  
Administrator, Animal and  
Plant Health Inspection Service.

[FR Doc.72-9443 Filed 6-21-72;8:51 am]

[Docket No. 72-529]

PART 76—HOG CHOLERA AND  
OTHER COMMUNICABLE SWINE  
DISEASES

Areas Quarantined

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

In § 76.2, paragraph (e) (4) relating to the State of South Carolina is deleted.

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

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

The amendment excludes portions of Kershaw and Darlington Counties in South Carolina from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas contained in 9 CFR Part 76, as amended, do not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2 (e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 apply to the excluded areas. No areas in South Carolina remain under quarantine.

The amendment relieves restrictions presently imposed but no longer deemed necessary to prevent the spread of hog cholera, and it should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to this Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is

found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 16th day of June 1972.

F. J. MULHERN,  
Administrator, Animal and  
Plant Health Inspection Service.

[FR Doc.72-9444 Filed 6-21-72;8:51 am]

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Adminis- tration, Department of Transportation

[Airworthiness Docket No. 72-SW-39,  
Amdt. 39-1470]

#### PART 39—AIRWORTHINESS DIRECTIVES

##### Bell Model Helicopters

A fatigue crack has occurred in the threads of the Tail Rotor Grip Assembly, P/N 204-011-728-13, that possibly resulted in loss of one tail rotor blade and in loss of control of a Bell Model 205A-1 helicopter. In addition, corrosion has been found in these threads on several grips. Since these conditions could develop or occur on other Bell Model 204B, 205A, and 205A-1 helicopters, an airworthiness directive is being issued to require inspections and appropriate sealing of all Tail Rotor Grip Assemblies, Parts Nos. 204-011-706 or 204-011-728, as applicable, on Bell Model 204B, 205A, and 205A-1 helicopters. In addition, an inspection of the tail rotor grip bearings is required to assure their proper arrangement and serviceable condition.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BELL. Applies to Bell Model 204B, 205A, and 205A-1 helicopters certificated in all categories.

Compliance required within 25 hours time in service after the effective date of this A.D. for tail rotor grips with 500 or more hours total time in service on the effective date of this A.D., and required prior to attaining 525 hours time in service for tail rotor grips with less than 500 hours total time in service on the effective date of this A.D., unless already accomplished and thereafter at an interval not to exceed 250 hours time in service from the last inspection.

To detect possible corrosion and fatigue cracks, to preclude corrosion in the retaining threads of the tail rotor grip, and to assure proper arrangement and serviceable

condition of the tail rotor grip bearings, accomplish the following:

(a) Remove the tail rotor hub and blade assembly from the helicopter, remove the blades from the grips and remove the grips from the hub assembly in accordance with the appropriate model maintenance manual.

(b) Inspect the tail rotor grip assembly using a fluorescent penetrant or equivalent inspection method and mirror as follows:

(1) Clean the internal threads of each grip, using a nonmetallic brush and kerosene base solvent, until the threads and thread relief groove are free of grease residue.

(2) Inspect both sides of each of the threads, thread roots, and thread relief groove for cracks and corrosion.

(3) If corrosion is found in the threads or relief groove, replace only the affected grip assembly prior to next flight. If cracks are found in the grip assembly, replace the entire hub assembly prior to next flight.

(c) Inspect the bearings installed on the tail rotor yoke for proper arrangement with the apex of the etched V outboard and thrust faces inboard as noted in section VI of Model 204B Maintenance and Overhaul Instruction Manual, or section III of Model 205A/205A-1 Maintenance and Overhaul Instruction Manual, as applicable. If the bearings are not properly arranged, replace the affected bearings and tail rotor grip assembly prior to next flight.

(d) Remove the tail rotor grip bearings from each yoke spindle and inspect the bearings for roughness or seizure. If the bearings are rough and unserviceable, replace the bearings prior to next flight. If the bearings are seized, replace the bearings and the mating tail rotor grip assembly prior to next flight.

(e) Assemble the tail rotor hub and blade assembly as noted in section VI of Model Manual, or section III of Model 205A/205A-1 Maintenance and Overhaul Instruction Manual, as applicable. Apply sealant to the inboard end of each grip as specified in Bell Helicopter Co. Service Letter No. 204B-86/205A-68, dated February 12, 1971, or later approved revision or as specified by an equivalent method approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, FAA. Balance the assembly as noted in the appropriate model maintenance manual.

(f) Install and track the tail rotor hub and blade assembly as noted in section VI of Model 204B Maintenance and Overhaul Instruction Manual, or section III of Model 205A/205A-1 Maintenance and Overhaul Instruction Manual, as applicable.

(g) The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Service Manager, Bell Helicopter Co., Post Office Box 482, Fort Worth, TX 76101. These documents may also be examined at the Office of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, TX, and at FAA Headquarters, 800 Independence Avenue SW., Washington DC. A historical file on this A.D. which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at the Southwest Region Office in Fort Worth, Tex. (Bell Helicopter Co. Service Bulletin No. 204B-6/205A-7, dated June 5, 1972, pertains to this subject.)

This amendment becomes effective June 23, 1972.

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

6(c), Department of Transportation Act, 49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on June 13, 1972.

The incorporation by reference provisions in this document were approved by the Director of the Federal Register on June 19, 1967.

HENRY L. NEWMAN,  
Director, Southwest Region.

[FR Doc.72-9369 Filed 6-21-72;8:45 am]

[Docket No. 11473, Admt. 39-1473]

**PART 39—AIRWORTHINESS DIRECTIVES**

**Certain Dowty Rotol Type Propellers**

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) requiring incorporation of Dowty Rotol Modification No. (c) VP.2676 (Rev. 1) on Dowty Rotol, Ltd. types (c) R130/4-20-4/12E, (c) R186/4-30-4/16, (c) R187/4-30-4/18, (c) R193/4-30-4/50, (c) R184/4-30-4/50, (c) R259/4-40-4.5/17, (c) R148/4-20-4/21E, (c) R175/4-30-4/13E, (c) R179/4-20-4/33, (c) R257/4-30-4/60, (c) R245/4-40-4.5/13, and (c) R209/4-40-4.5/2 propellers was published in the FEDERAL REGISTER on November 4, 1971 (36 F.R. 21210). The modification provides for replacement of the locking segments of the blade bearing retaining bolts with improved locking segments. The proposed AD would require that the modification be incorporated within the next 2,600 hours' time in service after the effective date of the AD or at the next propeller overhaul, whichever occurred sooner.

Interested persons have been given an opportunity to participate in the making of the amendment. All commentators objected to the 2,600 hours' time-in-service compliance terms. The reasons given by the commentators included unavailability of parts for timely accomplishment of the modification as well as extensive service experience indicating that compliance at next propeller overhaul would not derogate safety. The FAA did not intend that the proposed compliance term based on time in service would require modification before the next propeller overhaul. That term was included to make the AD applicable to propellers in general aviation that are not subject to scheduled overhauls. The FAA believes that the time for compliance for such airplanes should allow as much time in service before modification as is permitted for those airplanes that are subject to scheduled overhauls. Therefore, the AD has been revised to require compliance within the next 5,000 hours' time in service, or at the next propeller overhaul, whichever occurs sooner. Since this revision relieves a proposed restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

Dowty Rotol, Ltd. Applies to Dowty Rotol Propeller Types (c) R130/4-20-4/12E, (c) R186/4-30-4/16, (c) R187/4-30-4/18, (c) R193/4-30-4/50, (c) R184/4-30-4/50, (c) R259/4-40-4.5/17, (c) R143/4-20-4/21E, (c) R175/4-30-4/13E, (c) R179/4-20-4/33, (c) R257/4-30-4/60 (c) R245/4-40-4.5/13, and (c) R209/4-40-4.5/2. These propellers are installed on, but not necessarily limited to, BAC Viscount Models 744, 745D, and 810; Armstrong Whitworth Model Argosy AW.650 Series 101; Fairchild and Fokker Models F27 and F227; Handley Page Model Herald; and Grumman Model Gulfstream G-159 airplanes. Compliance is required as indicated unless already accomplished.

To prevent failure of a propeller blade due to the disengagement of the blade bearing retaining bolts resulting from excessive wear on the teeth of the locking segments, accomplish the following:

Within the next 5,000 hours' time in service or at the next propeller overhaul, after the effective date of this AD, whichever occurs sooner, incorporate Dowty Rotol Modification No. (c) VP.2676 (Rev. 1) in accordance with Dowty Rotol Limited Service Bulletin No. 61-714, Revision 3, dated July 26, 1971, or an FAA-approved equivalent.

This amendment becomes effective July 22, 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 Washington, D.C., on June 15, 1972.

C. R. MELUGIN, Jr.,  
Acting Director,  
Flight Standards Service.

[FR Doc.72-9367 Filed 6-21-72;8:45 am]

[Docket No. 72-EA-70, Admt. 39-1471]

**PART 39—AIRWORTHINESS DIRECTIVES**

**Fairchild Hiller Aircraft**

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Fairchild Hiller UH-12L type rotorcraft.

There had been reports of cracks in the main rotor blades of the rotorcraft. Since this is a deficiency which can exist or develop in other rotorcraft of similar type design and because of the evident air safety problem, an airmail notice dated May 11, 1972, was sent to all owners of the subject rotorcraft requiring removal of certain serialized blades of part No. 53100-01.

The same urgency still exists that this airworthiness directive be promulgated in the FEDERAL REGISTER and therefore notice and public procedure hereon are impractical and the rule may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to

me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

Applies to Fairchild Hiller UH-12L, UH-12L4, and UH-12E-L helicopters certificated in all categories. Within 10 hours in service after effective date of this airworthiness directive remove from service P/N 53100-01 main rotor blades S/N's 5, 21, 29, 66, 71, 74, 88, 125, 129, 130, 132, 142, 143, 158, 159, 160, 161, 162, 171, and 176, and replace with blades P/N 53100-01 with S/N's other than those listed.

Within the next 6 months or 300 hours in service, whichever occurs first, after the effective date of this AD and thereafter at intervals not to exceed 6 months or 300 hours in service, whichever occurs first after the last inspection, inspect and alter all other UH-12L, UH-12L4 and UH-12E-L P/N 53100-01 main rotor blades in accordance with Fairchild Hiller Service Letter UH12L-51-1 or an equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

This amendment is effective June 27, 1972, and was effective for all recipients of the airmail notice dated May 11, 1972, which contained this airworthiness directive.

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

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

ROBERT H. STANTON,  
Acting Director, Eastern Region.

[FR Doc.72-9368 Filed 6-21-72; 8:45 am]

## Chapter II—Civil Aeronautics Board

### SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR-63, Amdt. 27]

## PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING MATTERS

### Delegation of Authority to Director, Bureau of Operating Rights, To Waive Certain Charter Regulations

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of June 1972.

By recently issued amendments to Parts 207, 208, 212, and 214<sup>1</sup> the Board added certain requirements designed to ameliorate the problem of the "stranding" abroad of participants in pro rata charter trips originating in the United States.<sup>2</sup> The rules provide, inter alia, that a carrier performing a one-way charter flight originating from the United States must receive, in advance of departure, either confirmation that the returning carrier has received full payment, or a waiver from the Board. The waiver may be based either on the general grounds set forth in existing provisions for waiv-

ers of charter requirements<sup>3</sup> or on the specific ground that there has been a showing that the arrangements between the chartering organization and the charter participants do not involve the provision of return transportation to the United States. Under his existing delegated authority, the Director, Bureau of Operating Rights, may grant or deny requests for waiver of Parts 207, 208, 212, and 214 "where grant or denial of the request is in accordance with established Board precedent".<sup>4</sup> This does not apply to waivers of the special requirements imposed by the new "stranding" rules, insofar as such waivers are based upon the specific ground provided therein, since there is no "established Board precedent" for waivers based on such grounds. We have therefore determined to delegate to the Director, Bureau of Operating Rights, authority to grant or deny requests for waiver of the new §§ 207.25, 208.202b, 212.25, and 214.18, insofar as they are based upon the specific ground set forth in the new sections.

Since the amendment being adopted herein is a rule of agency organization, the Board finds that notice and public procedure are not required, and the rule may be made effective immediately.

In consideration of the foregoing, the Board hereby amends § 385.13 of the Organization Regulations (14 CFR Part 385), effective June 16, 1972, by adding a new paragraph (ee), the section as amended to read as follows:

#### § 385.13 Delegation to the Director, Bureau of Operating Rights.

(ee) Grant or deny requests for waiver of §§ 207.25, 208.202b, 212.25, and 214.18 of this chapter (Economic Regulations), based upon a showing that the arrangements between the chartering organization and the charter participants do not involve the provision of return transportation to the United States.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324. Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 F.R. 5989; 49 U.S.C. 1324 (note))

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,  
Secretary.

[FR Doc.72-9438 Filed 6-21-72; 8:51 am]

## Title 21—FOOD AND DRUGS

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

#### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

#### PART 121—FOOD ADDITIVES

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

##### 2.4-d

A notice was published by the Environmental Protection Agency in the FEDERAL

REGISTER of April 27, 1972 (37 F.R. 8460), proposing establishment of a tolerance of 0.1 part per million for negligible residues of the herbicide 2,4-D (2,4-dichlorophenoxyacetic acid) in potable water from application of its dimethylamine salt to irrigation ditch banks. No comments or requests for referral to an advisory committee were received.

It is concluded that the proposal should be adopted.

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

Therefore, pursuant to provisions of the act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 121.1204 is revised to read as follows:

#### § 121.1204 2,4-D.

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

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

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

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

<sup>1</sup> ER-740, ER-741, ER-742, and ER-743, dated May 31, 1972, 37 F.R. 11235.

<sup>2</sup> Sections 207.25, 208.202b, 212.25, and 214.18.

<sup>3</sup> Sections 207.16, 208.3a, 212.13, and 214.3.

<sup>4</sup> Section 385.13(cc).

the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall become effective on its date of publication in the FEDERAL REGISTER (6-22-72).

(Sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d))

Dated: June 14, 1972.

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

[FR Doc.72-9430 Filed 6-21-72; 8:50 am]

## Title 32—NATIONAL DEFENSE

### Chapter XVI—Selective Service System

#### PART 1632—DELIVERY AND INDUCTION

##### Enlistment of Registrants Ordered for Induction

Whereas, on May 19, 1972, the Director of Selective Service published a notice of a proposed amendment to Selective Service Regulations, 37 F.R. 10086 of May 19, 1972; and

Whereas, such publication complied with the publication requirement of section 13(b) of the Military Selective Service Act (50 U.S.C. sections 451 et seq.) in that more than 30 days have elapsed subsequent to such publication during which period comments from the public have been received and considered; and I certify that I have requested the views of officials named in section 2(a) of Executive Order 11623 and none of them has timely requested that the matter be referred to the President for decision.

Now therefore by virtue of the authority vested in me by the Military Selective Service Act, as amended (50 App. U.S.C. sections 451 et seq.) and Executive Order 11623 of October 12, 1971, the Selective Service Regulations, constituting a portion of Chapter XVI of Title 32 of the Code of Federal Regulations, are hereby amended, effective 11:59 p.m., e.d.s.t., on June 22, 1972, as follows:

Section 1632.12 is added to read as follows:

§ 1632.12 Enlistment of registrants ordered for induction.

Whenever a local board receives a Notification of Entry into Active Military Service (DD Form 53) or a Record of Military Status of Registrant (DD Form 44) evidencing that one of its registrants to whom an induction order has been issued has been enlisted or appointed after June 30, 1972, in the Armed Forces of the United States, including the reserve components thereof, and the date of enlistment or appointment is at least 10 days prior to his scheduled reporting date for induction it shall reopen his classification and classify him anew. A registrant who becomes a member of a reserve component and fails to serve satisfactorily during

his obligated period of service therein may be inducted in accord with § 1631.7 of this chapter.

BYRON V. PEPITONE,  
Acting Director.

JUNE 19, 1972.

[FR Doc.72-9452 Filed 6-21-72; 8:52 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

##### 2,4-D

A notice was published by the Environmental Protection Agency in the FEDERAL REGISTER of April 27, 1972 (37 F.R. 8462), proposing establishment of tolerances for negligible residues of the herbicide 2,4-D (2,4-dichlorophenoxyacetic acid) at 0.1 part per million in or on various raw agricultural commodities from application of its dimethylamine salt to irrigation ditch banks. No comments or requests for referral to an advisory committee were received.

It is concluded that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.142 is amended by inserting new paragraph (c) after paragraph (b), as follows:

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

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

uses of 2,4-D on the subject crops, the higher tolerance applies also to residues from the irrigation ditch bank use cited above.

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

*Effective date.* This order shall become effective on its date of publication in the FEDERAL REGISTER (6-22-72).

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: June 14, 1972.

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

[FR Doc.72-9429 Filed 6-21-72; 8:50 am]

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

##### Benomyl

A petition (PP 2F1234) was filed by E. I. du Pont de Nemours & Co., Inc., Wilmington, DE 19898, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of a tolerance for residues of the fungicide benomyl (methyl 1-(butylcarbonyl)-2-benzimidazolecarbamate) in or on the raw agricultural commodity bananas from pre-harvest and postharvest application at 1 part per million of which not more than 0.2 part per million (negligible residue) shall be present in the pulp after the peel is removed and discarded.

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

1. The fungicide is useful for the purpose for which the tolerance is established.

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

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

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21

U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.294 is amended by revising the paragraph "1 part per million in or on bananas \* \* \*" to read as follows:

§ 180.294 Benomyl; tolerances for residues.

One part per million in or on bananas, of which not more than 0.2 part per million (negligible residue) shall be present in the pulp after the peel is removed and discarded, from preharvest and post-harvest application.

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

*Effective date.* This order shall become effective on its date of publication in the FEDERAL REGISTER (6-22-72).

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

Dated: June 14, 1972.

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

[FR Doc. 72-9431 Filed 6-21-72; 8:50 am]

## Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

### Chapter 101—Federal Property Management Regulations

#### SUBCHAPTER D—PUBLIC BUILDINGS AND SPACE

#### PART 101-17—CONSTRUCTION AND ALTERATION OF PUBLIC BUILDINGS

#### Consideration of Socioeconomic Impact When Selecting Locations for Federal Buildings

##### Correction

In F.R. Doc. 72-8535 appearing at page 11323 of the issue for Wednesday, June 7, 1972, the phrase "the work of

living American artists." should be added as the last line of § 101-17.102(m).

## Title 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[Docket No. 16495; FCC 72-531]

#### PART 25—SATELLITE COMMUNICATIONS

#### Establishment of Domestic Communi- cations—Satellite Facilities by Nongovernmental Entities; Second Report and Order

##### I. Proceedings before the commission.

1. This proceeding was instituted by the Commission on March 2, 1966 (notice of inquiry, 31 F.R. 3507; supplemental notice of inquiry, October 20, 1966, 31 F.R. 13763) to explore various legal, technical, and policy questions associated with the possible authorization of domestic communications satellite facilities to nongovernmental entities. On March 24, 1970, the Commission issued a first report and order (1970 Report) inviting the submission of applications to assist our determinations (22 FCC 2d 86, 35 F.R. 5356), and consolidated a concurrently issued notice of proposed rule making (22 FCC 2d 810). In response to the 1970 Report, system applications were filed by the following:

The Western Union Telegraph Co. (Western Union).  
Hughes Aircraft Co. and various telephone operating companies of GTE Service Corp. (Hughes/GTE).  
Western Tele-Communications, Inc. (WTCI).  
RCA Global Communications, Inc., and RCA Alaska Communications, Inc. (RCA Global/RCA Alascom or "the RCA applicants").  
Communications Satellite Corp. and American Telephone & Telegraph Co. (Comsat/A.T. & T.).  
Comsat.  
MCI Lockheed Satellite Corp. (MCI Lockheed).  
Fairchild Industries, Inc. (Fairchild).

In addition, applications for earth stations only were filed by:

Hawaiian Telephone Co.  
Twin County Trans-Video, Inc.  
Tele Prompter Corp.  
LVO Cable, Inc., and United Video, Inc.  
Phoenix Satellite Corp.

2. Comments and reply comments on the applications and rule making issues were received from the applicants and other interested parties. By a memorandum opinion and order issued on March 17, 1972 (34 FCC 2d 1), the Commission afforded the parties an opportunity to file written comments and to be heard orally on a proposed second report and order (34 FCC 2d 9) recommended by the Chief of the Common Carrier Bureau (staff recommendation).

Written comments were received and oral argument before the Commission en banc was held on May 1-2, 1972.<sup>1</sup>

3. Upon consideration of the entire record, we are of the view that the staff recommendation adequately describes the background of this proceeding, the general nature of the pending applications, and the previously filed comments and reply comments of the parties on the applications and rule making issues. Accordingly, we will adopt the descriptive portions of the staff recommendation without reiterating such material here. However, as stated in the memorandum opinion and order of March 17, 1972, our action in designating the staff recommendation for written and oral comment was taken "before reaching any determinations in this matter" and "therefore does not reflect any predisposition by the Commission with respect to the resolution of the issues involved" (34 FCC 2d at 2). The Commission's determinations, which are set forth below, incorporate the staff's reasoning and conclusions on the issues only as expressly indicated herein or to the extent that they are clearly consistent with our statements of policy and conclusions.

II. *Introductory policy statement.* 4. As the Commission recognized in the 1970 Report (22 FCC 2d at 88, 95-96), and as confirmed by the applications and responses filed pursuant to that report, the satellite technology has the potential of making significant contributions to the Nation's domestic communications structure by providing a better means of serving certain of the existing markets and developing new markets not now being served. There are concrete proposals before us for the use of communications satellites to augment the long-haul terrestrial facilities of existing carriers for point-to-point switched transmissions services, and to connect offshore distant domestic points (i.e., Alaska, Hawaii, Puerto Rico) to the contiguous States. There are also proposals for the use of satellites as a means of providing point-to-multipoint services, such as program transmission, although plans for such use are now most tentative and uncertain. Other proposals reflect the view that the most important value of domestic satellites at the present time lies in their potential for developing new markets and for expanding existing markets for specialized communications services.

5. Notwithstanding the specific proposals that have been submitted, the true extent and nature of the public benefit that satellites may produce in the domestic field remains to be demonstrated. The United States has a well-developed and rapidly expanding complex of terrestrial

<sup>1</sup> Two entities who had not previously participated in this proceeding were granted leave to be heard orally: The Department of Defense and the Network Project (FCC 72-314). The motions of various parties to correct the transcript of oral argument are hereby granted. Some applicants have submitted statements, without leave from the Commission, purportedly in further response to questions from individual Commissioners at the oral argument. While such statements have been placed in the record, we do not rely on them.

facilities, and advances in terrestrial technology and operations can be expected to continue the present trend toward reduced transmission costs and more efficient services. Although pointing to some increased operational flexibility in the routing of its traffic, the predominant terrestrial carrier, A.T. & T., disclaims that the satellite technology presently offers any cost savings or other marked advantages over terrestrial facilities in the provision of the switched services that constitute the bulk of its traffic, message toll telephone (MTT) and wide area telephone service (WATS). At the same time, there is an uncertainty, that can only be resolved by actual operating experience, as to whether the time delay inherent in voice communications via synchronous satellites will provide an acceptable quality of service to the general public when domestic telephone traffic is routed indiscriminately and on a large scale basis via satellite and terrestrial facilities.

6. Although the satellite technology appears to have great promise of immediate public benefit in the specialized communications market, here too there are uncertainties as to how effectively and readily satellite services can develop or penetrate that market. Thus, in the area of point-to-multipoint transmission, the commercial broadcast networks are as yet undecided as to whether to use this technology in whole or in part. We do have a concrete proposal for a CATV network from Hughes, expressions of interest by public broadcasting and other educational entities, and the possibility of interest by independent suppliers of program material to CATV and broadcast outlets. Moreover, several system applicants, in addition to seeking to attract program transmission business, have premised their proposals on the sale of other specialized services—in part as a complement to existing or proposed terrestrial offerings, but in the main with the expectation of expanding existing special service markets and developing new markets. To be sure, the applications generally do not identify specific services that are new or innovative. However, in our judgment, the uncertainties as to the nature and scope of the special markets and innovative services that might be stimulated will only be resolved by experience with operational facilities.

7. Under the circumstances, we will be guided by the following objectives in formulating the policies to govern our licensing and regulation of the construction and use of satellite systems for domestic communications purposes, namely:

(a) To maximize the opportunities for the early acquisition of technical, operational, and marketing data and experience in the use of this technology as a new communications resource for all types of services;

(b) To afford a reasonable opportunity for multiple entities to demonstrate how any operational and economic characteristics peculiar to the satellite technology can be used to provide existing and new specialized services more

economically and efficiently than can be done by terrestrial facilities;

(c) To facilitate the efficient development of this new resource by removing or neutralizing existing institutional restraints or inhibitions; and

(d) To retain leeway and flexibility in our policymaking with respect to the use of satellite technology for domestic communications so as to make such adjustments therein as future experience and circumstances may dictate.

8. We are further of the view that multiple entry is most likely to produce a fruitful demonstration of the extent to which the satellite technology may be used to provide existing and new specialized services more economically and efficiently than can be done by terrestrial facilities. Though specialized services constitute a relatively small percentage of A.T. & T.'s total traffic, it is presently the predominant terrestrial supplier of specialized services. There is some existing and potential competition from Western Union and any new specialized carriers authorized pursuant to the Commission's decision in Specialized Common Carrier Services (29 FCC 2d 870). But the capacity of their terrestrial facilities is small compared to those of A.T. & T. or the high capacity facilities proposed by the satellite system applicants.<sup>2</sup> The presence of competitive sources of supply of specialized services, both among satellite system licensees and between satellite and terrestrial systems, should encourage service and technical innovation and provide an impetus for efforts to minimize costs and charges to the public.

9. Of course, the incentive for competitive entry by financially responsible satellite system entrepreneurs to develop specialized markets must be meaningful and not just token. This requires that we take appropriate measures toward the end that a reasonable opportunity for effective entry is not defeated or weakened by A.T. & T., either directly or through its existing or future relationships with Comsat. In this regard, we cannot ignore the effects upon achievement of our objectives that might result from A.T. & T.'s existing economic strength and dominance stemming from its multibillion dollar terrestrial investments and operations and its permeating presence and influence in all domestic communications markets. Nor can we ignore the ability of A.T. & T.—an ability not possessed by other applicants—to load a high capacity satellite system with MTT and WATS traffic and thereby control the cost of specialized services furnished via that system. Other applicants, lacking a similar initial traffic nucleus, would be operating—at least initially—with lightly loaded, costly facilities until such time as they might succeed in reducing their unit costs by a substantial specialized traffic fill.

10. In addition, where A.T. & T. combines its monopoly and competitive services on the same facilities, it is difficult

<sup>2</sup> The Commission has also authorized terrestrial facilities to various miscellaneous carriers providing program transmission service to CATV systems and broadcasters.

to identify A.T. & T.'s relevant costs associated with specialized services to insure that revenues from the monopoly services are not being used to subsidize any part of its competitive services. Thus, if A.T. & T. were permitted unrestricted use of satellites for both monopoly and specialized services, this might obscure any meaningful comparison of operating costs between satellite and terrestrial facilities for the provision of specialized services as well as curtail any realistic opportunity for entry by others to serve the specialized markets via satellite.

11. We recognize that the problem of cross-subsidy now exists with respect to the establishment of rates and identification of relevant costs for specialized services furnished by A.T. & T. terrestrially. However, this longstanding problem would be exacerbated by permitting the troublesome monopoly and competitive service combinations to be carried over into this new arena. Moreover, the cross-subsidy aspect is only part of the deterrent to a reasonable opportunity for competitive satellite entry in the specialized field and, even if resolved, would not overcome A.T. & T.'s unique advantage of being able to control satellite circuit costs by the extent to which it chooses to load the high capacity satellite facilities with telephone traffic while the specialized field is being developed.<sup>2a</sup>

12. All of the foregoing factors and concerns with respect to A.T. & T., in our judgment, might well result in discouraging or deterring others from attempting to penetrate the markets for specialized services. As a further consequence, A.T. & T.'s dominance in the communications field would be extended rather than lessened in the domestic area. This would derogate from our policy of seeking to promote an environment in which new suppliers of communications services would have a bona fide opportunity for competitive entry. This policy was the basis for our decision in the Specialized Common Carrier Services proceeding (29 FCC 2d 870). While this policy explicitly accommodates an opportunity for A.T. & T. and other existing carriers to compete "fully and fairly" with new entrants, it does not preclude the Commission from taking reasonable measures to assure that competitive entry would be a meaningful reality in the high capacity satellite field. Paragraph 104 of the Specialized Carrier decision states:

We further stress that our policy determination as to new specialized carrier entry terrestrially, does not afford any measure of protection against domestic communications satellite entry or otherwise prejudice our determination in Docket No. 16495 as to what

<sup>2a</sup> We recognize that A.T. & T., in its offerings of specialized services, may not, for rate purposes, distinguish between specialized services provided via satellite on the one hand, and terrestrial facilities on the other hand, and thus somewhat alleviate the competitive problem. However, we believe that it will from a regulatory standpoint complicate a definitive comparison between the relative cost and other advantages of satellite and terrestrial facilities in serving the competitive market for specialized services.

course would best serve the public interest in the domestic satellite field (29 FCC 2d at 290).

13. The same considerations lead us to conclude that the achievement of our objectives would be prejudiced by authorizing the Comsat/A.T. & T. proposal based on their contractual arrangement. First, since A.T. & T. is a principal source of the domestic service revenue that Comsat would seek to obtain, it is not realistic to expect Comsat to compete vigorously in the provision of specialized services on an end-to-end or "retail" basis and thereby challenge A.T. & T.'s terrestrial domination in this field. Secondly, if Comsat should proceed in the dual capacities proposed in its two pending system applications, the revenues that would be guaranteed to Comsat from the A.T. & T. contractual arrangement would give it an extraordinary advantage and headstart over all other potential domestic satellite entrants seeking to develop specialized services in competition with Comsat as well as with A.T. & T.'s terrestrial services. If Comsat were given the option of serving A.T. & T. solely and accepted it, such a course would unnecessarily deprive others of the benefit of Comsat's expertise in the communications satellite field. If Comsat were to elect to serve only entities other than A.T. & T., its expertise and facilities would be available to the public and carriers other than A.T. & T. But if Comsat is to be authorized to provide satellite services to A.T. & T., it should operate exclusively as a carrier's carrier—not engaged in retailing communications services to the public—and provide such service under a tariff offering which would afford an opportunity for other carriers to have nondiscriminatory access to the same system.

14. Finally, our consideration of the conditions under which A.T. & T. and Comsat should be permitted to enter the domestic satellite field is necessarily affected by A.T. & T.'s ownership of 29 percent of Comsat's stock and its ability to elect three of the 15 Comsat directors. Such ownership was contemplated and encouraged by the Congress in enacting the Communications Satellite Act of 1962 (see section 394(b)(2)). Thus, this is not a matter over which Comsat has any control. However, that Act, which was formulated to meet the Nation's policies and objectives with respect to the earliest possible establishment of a global communications satellite system, does not preclude authorized carriers from voluntarily disposing of their shares of Comsat stock.<sup>9</sup> All of the major carriers who originally owned Comsat stock, except A.T. & T., have since divested their interests. While the participation of ex-

<sup>9</sup> Indeed, in 1969 Congress amended the 1962 Act to provide for fewer common carrier elected directors in proportion to their decrease in stock ownership in Comsat (47 U.S.C. 733). This schedule contemplates that the percentage of common carrier stock ownership may fall below 8 percent, in which event there would be no directors elected by common carriers.

perienced carriers had a useful function when Comsat was newly organized and gaining communications experience, this relationship warrants reassessment in light of current conditions.

15. Aside from the foregoing basic considerations of fairness and equity we reaffirm the staff recommendation in favor of multiple entry. In this connection it is important also to take cognizance of the fact that the initial implementation of domestic satellites does not confront us with a normal or routine situation. Some departures from conventional standards may be required if the public is to realize the potential benefits of this high capacity technology and we are to pursue our objective of competitive entry. This is true not only in the case of A.T. & T., but also for other applicants because of different factors. For example, as the staff points out, the capacity proposed by most system applicants substantially exceeds the traffic under their control or firm customer commitments. They are relying primarily on speculative business which they hope will materialize after the facilities become operational. We must, of course, make the requisite statutory findings as to an applicant's financial qualification and ability to implement its proposal, and we can require a reasonable showing that there will be no adverse impact on rates or services to customers of carrier applicants now engaged in providing essential communications services to the public. But if we adhere too strictly to conventional standards in this unconventional situation, such as requiring a persuasive showing by new entrants that competition is reasonably feasible and that the anticipated market can economically support its proposed facilities, most such new applicants may in effect be denied any opportunity to demonstrate the merits of their proposals at their own risk and without potential dangers to existing services—thereby depriving the public of the potential benefits to be derived from diverse approaches by multiple entrants. It is our judgment that the potential benefits to the public warrant the application of rules and policies which will afford a reasonable opportunity for domestic satellite facilities to be established initially on a competitive basis. It is also necessary to retain flexibility to alter our initial determinations in the light of evolving circumstances.

III. Determinations on the issues. A. *Number of systems to be authorized initially.* 16. In light of the foregoing policy objectives, we have concluded that the public interest would be best served at this initial stage by affording a reasonable opportunity for entry by qualified applicants, both pending and new, subject to the showings and conditions described below which we believe to be necessary to implement our objectives and to protect the public. We have reached this decision after consideration of the various alternatives discussed in the staff recommendation (paragraphs 45-78) and the views expressed by the parties.

17. Like the staff and most parties, we think it unwise to attempt to select or prescribe one system (either a consortium of all the applicants or selection of one applicant) or to choose one or more systems through comparative hearings. In addition to the reasons given by the staff (staff recommendation, paragraphs 50-61), which we adopt, such a course would not promote our policy objectives discussed above. However, we are not accepting the alternative recommended by the staff (paragraphs 71-78) of requiring or encouraging consolidations of applicants along guidelines prescribed by the Commission. While we recognize that there may well be advantages to and need for voluntary consolidations or sharing arrangements (such as "launch risk pools") undertaken at the applicants' initiative as a matter of prudent business judgment, we do not deem it advisable to structure the architecture of any joint space segment operations. Rather, we will permit and encourage such arrangements so long as they are consistent with the policy conditions set forth herein. Accordingly, we will accord the system applicants a 30-day period within which to apprise the Commission as to whether they intend to pursue their pending applications, as modified to achieve compliance with this Second Report and Order, or whether they desire further time to reframe their proposals.

18. Our decision in favor of multiple entry does not mean that we have opted for a policy of "unlimited or unrestricted open entry." Our aim, as outlined above, is to afford qualified applicants a reasonable opportunity to demonstrate the public advantages in use of the satellite technology as a means of communications. But such entry cannot be "open" in the sense that it is without any restrictions or limitations. Pursuant to statute we must require showings of financial, technical and other qualification and make the requisite finding that a grant of the particular proposal will serve the public interest, convenience and necessity. Although, as discussed in paragraph 15 above, it is our intention to make such determinations with due regard for the unique circumstances involved here, each applicant must make a sufficient showing of potential public benefit to justify the assignment of orbital locations and frequencies. Moreover, we believe it necessary to impose certain conditions to protect the public from possible detriment and to further the implementation of our policy objectives. In addition to the conditions discussed below, we will require a reasonable showing by any common carrier applicant now engaged in providing essential communications services that revenue requirements related to the proposed domestic satellite venture will not be a burden or detriment to customers for such essential services.

B. *Conditions on system applicants on policy grounds.* 19. Insofar as the staff recommends that none of the pending applicants should be disqualified on the

basis of the information now before us, we are generally in agreement with the staff's position and much of its reasoning (staff recommendation, paragraphs 82-119).<sup>4</sup> However, we will address the question of what policy conditions and/or further showings will be required in the case of particular applicants.

20. As indicated above, realization of our policy objectives herein requires that we take appropriate measures toward the end that those objectives are not frustrated by any applicant, particularly in the critical threshold stage when others are attempting to become established. Because of the complexities and uncertainties associated with this matter, the question of what kind of measures to adopt confronts us with some difficult decisions. We have examined a number of alternatives and permutations. While none appears completely satisfactory in all respects to the entire Commission and there are conflicting considerations, it is our best collective judgment that the following course of action constitutes the most reasonable and appropriate accommodation we can achieve in the present circumstances.

1. *A.T. & T. and Comsat.* 21. In essence, we have concluded that A.T. & T. should be afforded access to the satellite technology to determine its feasibility as an efficient and economic means of providing A.T. & T.'s basic switched telephone services, as well as to explore potential use of the 18 and 30 GHz frequencies. Because of the concerns expressed in our policy statement (paragraphs 9-13 above), we will limit A.T. & T.'s initial use of domestic satellites to MTT, WATS, AUTOVON, emergency restoration in the event of terrestrial outage (pursuant to a restoral plan proposed to and approved by the Commission, and regardless of the services involved), and—if found necessary in light of the considerations discussed in paragraphs 35-41 below—any other services in the case of Alaska, Hawaii, and Puerto Rico-Virgin Islands. However, the Commission will entertain a petition by A.T. & T. for authority to provide additional services within the contiguous States at the earliest of the following occurrences: (a) When domestic satellite licensees authorized to offer specialized common carrier services have achieved substantial utilization of their satellite capacity; or (b) in any event, 3 years after the commencement of domestic satellite operations by A.T. & T. Upon such petition, we will reexamine this initial limitation to determine whether it is still warranted or should be modified or deleted in light of the circumstances then pertaining, including such relevant factors as the impact on the current com-

petitive situation and any resolution of the cross-subsidy problem.

22. We have further concluded that it would be contrary to the public interest and the realization of our policy objectives to authorize the Comsat/A.T. & T. proposals based on their contractual arrangement, in light of the considerations set forth in our policy statement (paragraphs 13-14 above). For those services it is authorized to provide via domestic satellite (see paragraph 21 above), A.T. & T. will have the option of applying for authority to own and operate satellite facilities or of leasing transponders under tariff from Comsat or any other carrier who elects to proceed solely as a carrier's carrier under the same conditions specified below as to Comsat.<sup>5</sup>

23. If Comsat elects to serve A.T. & T., then it will be required: (a) to operate solely as a carrier's carrier; (b) to lease transponders to A.T. & T. under the same tariff terms applicable to other carriers leasing transponders; (c) to permit A.T. & T. and other carriers to have access to their leased transponders through their own earth stations, where desired and authorized by the Commission; and (d) to comply with a formula, to be prescribed by further order of the Commission, concerning the maximum percentage of system capacity that can be leased to any one carrier (see paragraph 25 below). Such operation as a carrier's carrier may include the provision of earth station facilities by Comsat where desired by carriers leasing transponders and warranted by the existing or potential volume of their traffic. If, on the other hand, Comsat elects to serve only entities other than A.T. & T., then Comsat may, pursuant to tariffs, offer end-to-end service, lease transponders to carriers other than A.T. & T., and offer other services as proposed in its application for a multi-purpose system (staff recommendation, paragraph 22).

24. We see no compelling reason of public policy for precluding A.T. & T. from leasing satellite transponders under tariff from a carrier's carrier for its authorized domestic satellite services so long as the wholesale carrier retains adequate capacity to meet the requirements of other carriers desiring to lease transponders. Since the wholesale carrier would not be engaged in retailing specialized communications services to the public, the lease of transponders to A.T. & T. would not deter competitive entry by others to serve the specialized markets. Moreover, such an arrangement would afford an opportunity for access to the satellite technology by retail carriers who lack sufficient existing or potential traffic to warrant the investment required for ownership of space segment

facilities. Further, a wholesale carrier commencing operations under the incentive of A.T. & T.'s available business would have an opportunity to develop business from other carriers, and to that extent would be less affected if A.T. & T. should elect in the future to apply for authority to own and operate space segment facilities.

25. While we believe it necessary to limit the percentage of the space segment capacity of the wholesale carrier that could be preempted by A.T. & T. under tariff in order to reserve adequate capacity for use by other carriers, we are not now in a position to devise a formula. On the one hand, there is the consideration that A.T. & T. initially has the ability to occupy a large number of transponders and thereby could preempt much of the capacity of any system, whereas the capacity available for other carriers may be utilized in gradually increasing amounts. On the other hand, in view of the relatively short life of the satellites, the wholesale carrier should not be saddled with substantial idle capacity which A.T. & T. might otherwise lease, particularly after other carriers have had a reasonable time to take advantage of the wholesale tariff offering. Accordingly, if A.T. & T. elects to lease transponders under tariff from Comsat (or any other wholesale carrier) and the latter elects to proceed solely as a carrier's carrier by serving A.T. & T.'s requirements, we will require that such wholesale carrier submit, for Commission review, an appropriate formula by which it will allocate its space segment capacity for A.T. & T.'s use and the use of other carriers. Upon consideration of such allocation, the Commission will approve or prescribe a formula prior to the authorization of facilities.<sup>6</sup>

26. Comsat will be required to form a separate corporate subsidiary to engage in any domestic satellite venture, whether it elects to pursue its multi-purpose system proposal or to operate solely as a wholesale supplier of satellite facilities to A.T. & T. and other carriers. While Comsat's comments filed on April 19, 1972, do not object to paragraph 116 of the staff recommendation, we will not impose any prior constraints as to how such domestic subsidiary is to be structured or financed. This is an appropriate area for the exercise of Comsat's own judgment in the first instance, subject to ultimate Commission approval of its proposal. In the event that Comsat elects to proceed other than as a carrier's carrier, it will be prohibited from owning or operating domestic satellite facilities at any overseas point served by Intelsat facilities (staff recommendation, paragraph 114).

2. *GTE.* 27. The staff has expressed various concerns about GTE's proposal to provide interstate MTT service via

<sup>4</sup> We will defer resolution of what domestic satellite services Western Union may provide in Hawaii under section 222 of the Act pending a determination on the pending "Application for Review" of the staff's action in rejecting Western Union's application for authority to lease facilities to provide Mailgram service between Hawaii and the mainland. A Commission decision on that application for review will be forthcoming shortly.

<sup>5</sup> Since we decline to authorize facilities to implement the Comsat/A.T. & T. contractual arrangement, we will not require A.T. & T. to show that the costs of leasing satellite capacity from Comsat under tariff are no greater than obtaining equivalent facilities by other available means, such as ownership or leasing under tariff from another satellite carrier (see staff recommendation, paragraph 79).

<sup>6</sup> Of course, as A.T. & T. from time to time proposes to take up additional capacity pursuant to that approved formula, A.T. & T. will be required to obtain appropriate authorization therefor pursuant to section 214 of the Communications Act.

satellite facilities for which it seeks authorization (staff recommendation, paragraphs 97-99). In encouraging multiple entry and the development of competition in the supply of domestic communications, we have maintained a distinction between the so-called monopoly switched telephone services now being furnished by A.T. & T. and all other classes of existing and potential specialized services. We have made this distinction not for the purpose of protecting any established position that A.T. & T. occupies in the MTT field. Rather, it has been our purpose and concern to protect the public in the availability of efficient and economic switched MTT services—an interest that might well be adversely affected by unnecessarily fragmenting responsibility for the planning and provision of the facilities required for this integrated service. On the other hand, we should not reject any proposal that might prove feasible and beneficial to the public simply because it represents some departure from the established scheme. This is particularly true when the proposal comes from an entity, such as GTE, which already is a significant participant in the furnishing of MTT facilities and services, although essentially as a carrier which originates, terminates, and switches large volumes of MTT traffic rather than in the provision of long lines transmission facilities.

28. At least potentially, GTE's proposal offers several advantages. It would introduce more directly, although on a limited scale, the perspective and experience of another responsible entity into the planning and operation of the interstate MTT network, which heretofore has been the sole responsibility of A.T. & T. It could provide a basis for regulatory comparison of the relative efficiencies and cost advantages of somewhat different technologies represented by A.T. & T.'s proposal and GTE's proposal. It could also tend to lessen A.T. & T.'s dominance and economic influence in the domestic communications field.

29. Notwithstanding these potential public benefits, there are a number of uncertainties, not dispelled by the information contained in the record before us, that must be resolved before we can make the required statutory finding that GTE's proposal will serve the public interest. Accordingly, before determining whether this portion of the Hughes/GTE applications should be authorized, we will require a showing of the nature described by the staff (paragraphs 98-99) concerning: What potential benefits might be achieved by affording GTE access to the satellite technology for this purpose; whether its proposal is economically justified from the standpoint of the public in terms of costs and prospective fill; the effect on GTE's present contracts for settlement with A.T. & T.; GTE's plans for handling traffic in case of temporary outages or catastrophic failure of its satellite system facilities; how the costs of such facilities would be treated for rate-making and accounting purposes; and

the kinds of data it will gather and report to the Commission to assist our evaluation of the efficiency and economy of any authorized operations compared to continued exclusive reliance on the interstate switched telephone facilities of A.T. & T.

30. In the event that we determine after consideration of such showings that the proposal, on balance, would serve the public interest, any authorization to GTE would be limited initially, as in the case of A.T. & T., to the provision of MTT service (plus other services, if found necessary, in the case of Hawaii only in the event that GTE is authorized to serve that State (see paragraphs 39-40 below)). GTE would also be required to form a separate corporate subsidiary to engage in such operations.

31. *Other system applicants.* We will further require that any other terrestrial common carrier, who is authorized a domestic satellite system, shall offer its services in accordance with tariff schedules filed pursuant to section 203 of the Communications Act and the Commission's applicable rules and regulations. Where the terrestrial carrier seeks to provide services and facilities to other carriers (i.e., as a carrier's carrier), the offering of such wholesale services—whether for transponder access alone or for satellite system service including earth station access—shall be pursuant to a tariff setting forth all terms and conditions relating to each class of offering.<sup>7</sup> If, in addition, the carrier intends to provide end-to-end services, the retail offering shall be covered by appropriate tariffs. In order to assure the minimum intermingling of costs and revenues between the wholesale and retail operations, we will require the carrier to maintain its accounts in such a fashion as to identify clearly the costs and revenues related to each. The prescription of specific accounting rules by the Commission will be given consideration when we have a clearer picture of the structure of this industry and its operation. We consider these measures to be essential, as a minimum, to insure that other carriers leasing transponder or satellite system facilities are not burdened with any portion of the revenue requirements applicable to the supplying carrier's retail offerings.

32. Finally, we adopt the staff's proposal that any authorization to a satellite equipment supplier shall be conditioned upon a requirement for the existence or creation of a separate corporate entity to engage in the satellite communications operation (staff recommendation, paragraph 86). Any authorization to Hughes will be upon the further

<sup>7</sup> As in the case of any domestic satellite carrier operating exclusively as a wholesale carrier, we will require any domestic satellite system licensee operating in part as a wholesale carrier to permit carrier customers to have access to transponders through their own earth stations, where desired and authorized by the Commission.

condition that it afford its CATV customers the option of owning receive-only earth stations to obtain the Hughes program offering and that of any other CATV program distributor offered by means of the Hughes system facilities. Hughes will also be required to submit, for Commission approval prior to the issuance of any authorization to it, a plan whereby other CATV program distributors will be afforded reasonable access to receive-only earth stations associated with its system on an equitable and nondiscriminatory basis, including—if necessary therefor—by means of access to the Hughes transmit-receive earth stations and space segment facilities.

*C. Earth station ownership, access, and interconnection.* 33. Our broad policy objective is to aim toward a flexible ground environment which would permit a variety of earth station ownership patterns and afford diversified access to space segments except where this is impractical. Thus, in general, we are in favor of according special purpose users (such as commercial and non-commercial local broadcasters, other educational users, cable systems, or local carriers) the option of owning receive-only earth stations. Moreover, we do not foreclose the possibility that transmit-receive earth stations could be owned by users or independent carriers in appropriate circumstances. However, we think it premature to attempt to specify definitive standards here as to the particular circumstances and terms and conditions under which such user or independent carrier ownership of earth stations might be authorized, except to the extent indicated in section B above. We cannot now foresee all possible situations that might arise or all relevant public interest factors. We will be in a better position to make such determinations after we know what domestic satellite systems will actually be established and in the context of considering concrete applications for particular earth stations. Thus, while we agree with the overall thrust of the staff discussion on earth station ownership (staff recommendation, paragraphs 120-132), we do not bind ourselves to the specific conditions proposed by the staff (particularly paragraphs 125 and 131).<sup>8</sup>

34. To the extent consistent with our policy determinations and conclusions herein, we are also in accord with the goals set forth in the staff discussion of access to earth stations and interconnection (staff recommendation, paragraphs 133-142). Here again, however, we think it advisable to retain greater flexibility. While we will require existing terrestrial carriers seeking domestic satellite authorizations to submit for Commission approval, prior to action on their applications, a description of the kinds of interconnection arrangements

<sup>8</sup> As in the case of space segments, we decline to structure any arrangements for sharing ownership of earth stations, but will encourage and consider voluntary proposals of the applicants' own devising.

they will make available to other satellite systems and/or earth stations licensees, we do not expect such descriptions to anticipate all conceivable situations. Moreover, we will not restrict A.T. & T. to proposing the specific bases for interconnection charges set forth in paragraph 141 of the staff recommendation. If the standard there suggested poses difficulties, A.T. & T. may propose some other standard with similar specificity, which would accomplish our objective of assuring that all carriers providing retail interstate satellite services (whether or not affiliated with Bell System companies) have access to nondiscriminatory terms and conditions to local loop and interexchange facilities as necessary for the purpose of originating and terminating such interstate services to their customers. The governing standards will be established, so far as practicable, prior to the authorization of domestic satellite facilities rather than left primarily to subsequent negotiations between the entities involved.

*D. Alaska, Hawaii, and Puerto Rico.*  
35. We endorse fully the staff recommendation that the advent of service via domestic satellite facilities should be accompanied by an integration of services, and more particularly the charges for such services, between Alaska, Hawaii, and Puerto Rico and the contiguous 48 States into the domestic rate pattern. Heretofore considerations of distance, cost, and traffic volumes have all combined to indicate that foreign rather than domestic rate and service patterns should be applicable. The relatively high level of charges resulting from these physical factors and cost considerations has inhibited the free flow of communications between the contiguous States and these points to the disadvantage of all of our citizens. It is our considered view that the public interest requires that the distinctions, particularly with respect to level of charges and rate patterns, should be eliminated. As set forth below, the advent of domestic satellite communications with their distance insensitive features provides a sound economic basis for such conclusion.

36. One of the principal virtues of the satellite technology applied to domestic communications is its characteristic of deemphasizing distance as a cost factor in rate-making. With the availability of domestic satellites for communications between the mainland and Alaska, Hawaii, and Puerto Rico, distance should dramatically diminish as an excuse or justification for the historic high-rate treatment that has been accorded to these services. We are now able to look forward to minimizing any distinctions in communications to such points compared to communications among the contiguous States. Thus, with the inauguration of satellite systems to serve the domestic communications requirements of all of the United States, there will be justification for integrating Alaska, Hawaii, and Puerto Rico into the established rate scheme for communications services applicable to the mainland.

37. Accordingly, it will be our policy to condition any domestic satellite authorization to carriers serving these points upon a requirement that, no later than 6 months from the issuance of the authorization, such carriers shall submit a specific proposal for revised rates for review and approval of the Commission prior to authorization for the commencement of service. In case of message telephone service (MTT), any such proposal shall give maximum effect to the elimination of overall distance as a major cost factor and should be designed, in specified time phases if necessary, to integrate these three U.S. points into the uniform mileage rate pattern that now obtains for the contiguous States, with all that such approach implies in terms of nationwide cost averaging and equalizations for interstate ratemaking purposes.<sup>9</sup> We recognize that there may be extraordinary technical or economic factors, e.g., earth station costs and traffic loadings, that may warrant some deviation from this approach or justify a phased implementation of the integrated pattern. However, the carriers involved will be expected to demonstrate and document fully the need for such deviation or phasing in terms of conditions that are singularly relevant to the points involved compared to the contiguous States, and to present the full program with the timing of final implementation.

38. We recognize that in the case of record services, the problems are more complex in that different carriers provide "overseas" and "domestic services." We do not intend, at this point, to disturb this service pattern. However, we do require that the carriers now providing services submit within the timetable set forth above proposals for the integration of their charges for Telex, private line and other specialized services into the domestic pattern within the same framework as set forth above, i.e., detailed explanations in economic and technical bases for any proposed deviation or phasing. Should the record carriers fail to do so, we will be required to reconsider our current policy regarding record services between the contiguous States and these three points so as to assure that the policies enunciated here will be implemented. To make implementation possible, we will expect space segment and earth station licensees authorized to serve these overseas points to afford appropriate access to such facilities to the relevant international record carriers for the provision of domestic services.

39. In light of the foregoing policy determinations, we are further of the view that A.T. & T. should provide MTT services via domestic satellite to these three points, in conjunction with the appropriate local carrier (e.g., Hawaiian Telephone Co., RCA Alascom). If GTE's do-

<sup>9</sup> For example, among other things, such carriers might explore the possibility of expanding the last mileage step (presently 1,911-3,000 miles) to include these points, or of adding an additional mileage step with an appropriate increment in rates.

domestic satellite proposal is authorized and it is shown that the cost of using its facilities would be less than or approximately equivalent to the cost of utilizing A.T. & T. facilities to provide such service between Hawaii and the contiguous States, then we do not foreclose the possibility that GTE might be the designated entity in the case of Hawaii. However, the nationwide cost averaging structure and uniform mileage rate pattern should not be burdened with costs that are greater than necessary in order to integrate these three points, or required to absorb the costs of domestic satellite system facilities proposed by an applicant which lacks the ability to achieve a substantial initial loading.

40. Moreover, since our most important objective in this area is to minimize the distinctions that have heretofore existed in rates and services to these points as compared to communications among the contiguous States, we think that Alaska, Hawaii, and Puerto Rico should have an opportunity to obtain other services via the same earth station antennas and satellites that are used for the provision of MTT services to these points. Thus, whether A.T. & T. proceeds via its own domestic satellite facilities or through a wholesale carrier, we will require that the relevant licensees reserve adequate transponder and earth station capacity for lease to other carriers authorized to provide specialized services to these points in such manner as will not necessitate another earth station antenna in addition to those used for MTT service. The same requirement will pertain to GTE in the event that it is authorized to provide MTT service to Hawaii by means of domestic satellite facilities. If found necessary to achieve our objective of integrating these three points into domestic rate patterns for all services, we will permit A.T. & T. and/or GTE to provide services other than MTT to one or more of these points. We do not preclude the offering of specialized services to such points by means of independent domestic satellite facilities authorized to other licensees, so long as the public in Alaska, Hawaii, and Puerto Rico has the opportunity to take advantage of the potential cost savings in obtaining specialized services on the same satellite system facilities used for MTT.

41. Finally, we recognize that implementation of the foregoing policies, while of benefit to Alaska, would not satisfy that State's pressing need for improved intrastate communications. Though accommodation of that need is important and the satellite technology appears to offer special promise toward that end, it may prove impracticable for the Commission or the pending carrier applicants to do much to alleviate this problem, at least in the initial generation of satellites. We will require RCA Alascom and any other applicant proposing earth stations in Alaska to submit a detailed plan for intrastate service. We will also require A.T. & T., or any wholesale carrier serving A.T. & T., to afford access to its transponder capacity

for the purpose of intra-Alaska service, if desired. We will further direct our staff to consult with representatives of the State of Alaska concerning any additional measures we may consider, and reasonably require of the applicants or any domestic satellite licensee, to assist in meeting its intrastate requirements.

42. With respect to the State of Alaska's request for a 6° separation at 4/6 GHz in that limited and valuable portion of the orbital arc where satellites capable of serving the 50 States can be located, in order to facilitate the use of small, inexpensive earth stations, we note that advances in earth station technology may shortly make it possible to meet the performance specifications needed for 3° separations with earth station antennas of smaller diameter than 30 feet. Moreover, we note the availability of 2 GHz frequencies specifically allocated by the 1971 WARC for educational and instructional television and for demand assigned telephone services in remote areas of the State. Finally, orbital locations for wider spaced 4/6 GHz satellites are available farther west of those than can view the 50 States, where there is less demand for such satellite locations. Thus, it is unnecessary to decide this matter definitively at this time. We stress, however, that we do not rule out the possibility of permitting a 6° separation, if later found necessary for the use of small, inexpensive earth stations in Alaska and in the public interest, all circumstances considered. Paragraph 152a of the staff recommendation concerning orbital arc location assignments is otherwise adopted.

E. *Terms of access by public broadcasting and other educational interests.* 43. On this issue, we adopt the staff analysis and conclusions (staff recommendation, paragraphs 153-162). In other words, we recognize that there is a well-established national policy, incorporated in legislation, which encourages and makes it lawful for common carriers to provide free or reduced rate interconnection services to public broadcasting and other educational interests. These statutes make it possible for the Commission to prescribe preferential rates for educational entities covered by such legislation, as well as for carriers to file tariffs offering free or reduced rates to such entities on their own initiative. While we will entertain specific proposals by carriers or users for the prescription of preferential rate classifications, we presently lack sufficient information to initiate any requirement as to common carriers or to enunciate any general statement of policy. However, we will expect noncarrier applicants, who have offered free access to public broadcasting, to implement the proposals made in their applications.

F. *Procurement.* 44. Finally, we adopt the staff position on the question of procurement (staff recommendation, paragraphs 163-167). Thus, assuming our authority to prescribe procurement rules requiring competitive bidding for domestic satellite facilities, we nevertheless conclude that it is not necessary or desirable to exercise such authority in the

present circumstances under our multiple entry policy.<sup>10</sup>

IV. *Order.* 44a. Authority for the policies and conditions adopted herein is contained in sections 1, 2, 3, 4 (i) and (j), 201, 202, 203, 212, 213, 214, 218, 219, 220, 301, 303, 307-309, 310(b), 319, 396, 403, and 605 of the Communications Act of 1934 and sections 102 and 201(c) (8) of the Communications Satellite Act of 1962.

45. *Accordingly, it is ordered, That:*

a. The policies and conditions set forth herein, and such portions of the staff recommendation (34 FCC 2d 9) as are expressly approved or clearly consistent with the policies and conditions herein, are adopted, effective July 25, 1972.

b. Each of the applicants for domestic communications satellite systems named in paragraph 1 above shall apprise the Commission on or before July 25, 1972, as to whether it intends to pursue its pending system applications, in whole or in part, with such modifications as are required to achieve compliance with the policies and conditions specified in this second report and order; or whether it desires additional time for the purpose of reframing its proposal consistently with such policies and conditions.<sup>11</sup>

c. The Commission retains full jurisdiction over all aspects of this proceeding.

(Secs. 1-4, 201-203, 212-214, 218-220, 301, 307-310, 319, 403, 605: 48 Stat., as amended, 1064-1066, 1070, 1074-1075, 1077-1078, 1081, 1083-1086, 1089, 1094, 1103; sec. 396; 76 Stat.; 47 U.S.C. 151-154, 201-203, 212-214, 218-220, 301, 307-310, 319, 396, 403, 605)

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>12</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[FR Doc. 72-9419 Filed 6-21-72; 8:59 am]

[FCC 72-512]

PART 73—RADIO BROADCAST  
SERVICES

FM Broadcast Channels, Table of  
Assignments for Terrell, Hills, Tex.

*Memorandum opinion and order.* In the matter of amendment of the table of assignments for FM Broadcast Channels, § 73.202(b) of the Commission's rules and regulations, to delete a short-spaced assignment at Terrell Hills, Tex.

1. The Commission here considers the petitions for reconsideration filed by Ter-

<sup>10</sup> We further decline, at present, to make an exception in the case of A.T. & T. in view of our decision not to authorize the Comsat/A.T. & T. applications based on their contractual arrangement.

<sup>11</sup> Upon consideration of such responses, the Commission will issue a public notice concerning the procedures we will follow in processing applications.

<sup>12</sup> Chairman Burch dissenting and issuing a statement, to be released at a later date, in which Commissioners Reid and Wiley join. Commissioner Johnson concurring and issuing a statement filed as part of the original document.

rell Hills Broadcasting Co. (TH Broadcasting) on March 23, 1972, and by S.S.S. Broadcasting, Inc. (S.S.S.), licensee of Station KAPE(AM), San Antonio, Tex., on March 29, 1972,<sup>1</sup> from our memorandum opinion and order, released February 28, 1972 (FCC 72-189), in which we, on our own motion, amended the FM Table of Assignments, § 73.202(b) of the rules, by deleting Channel 292A from Terrell Hills, Tex.<sup>2</sup> Station KBUC-FM, which has been operating on Channel 292A at Terrell Hills—an incorporated city with a 1970 population of 5,225 whose corporate limits are wholly within those of San Antonio, Tex.—since 1967 is not affected by this action since its licensee has been authorized to change over to operation on the San Antonio Channel 298C assignment.<sup>3</sup> Both petitioners are prospective applicants for the deleted Terrell Hills Channel 292A assignment.<sup>4</sup>

2. It is our policy to delete FM assignments not meeting the minimum mileage separation requirements of our rules, whenever feasible, since we believe that assignments at required spacing best serve the public interest and our assignment objectives for bringing about a fair, efficient, and equitable distribution of radio service with the available FM channels. In line with this policy, we decided that with the Terrell Hills 292A assignment being relinquished, it was an opportune time and would serve the public interest to delete it so that it could be reassigned for use at required spacing elsewhere.

3. Decisive considerations were that a short spacing of approximately 6 miles exists between the reference points for

<sup>1</sup> A supplement to the S.S.S. petition for reconsideration, containing 12 supporting letters from San Antonio residents, was received from S.S.S. on April 5, 1972, and its request that the letters be associated with its petition is granted.

<sup>2</sup> Reconsideration of this action was also urged by Congressman Henry B. Gonzalez, 20th District, Texas, in a letter, received April 26, 1972.

<sup>3</sup> BPH-6285, granted November 10, 1971, after hearing (decision adopted July 20, 1971, Docket No. 18239, FCC 71R-230, 31 FCC 2d 162; stayed by order, adopted August 31, 1971, FCC 71-890; stay dissolved by further order, adopted November 10, 1971, FCC 71-1150). Station KBUC-FM is continuing operation on the Terrell Hills Channel 292A assignment pending its changeover to operation on Channel 298C, the construction permit for which expires on November 10, 1972.

<sup>4</sup> Prior to our action deleting Channel 292A from Terrell Hills, on December 8, 1971, TH Broadcasting tendered an application for the channel which was not accepted for filing because of a spacing deficiency—the transmitter site proposed was approximately 3.3 miles short spaced to the reference point for the Gonzales Channel 292A assignment. Another application for Channel 292A at Terrell Hills was also tendered on August 19, 1971, by National Enterprises, Inc., for use of the channel at Alamo Heights, which is also an incorporated city within the corporate boundaries of San Antonio. It also was not accepted for filing because of a spacing deficiency—the transmitter site proposed was approximately 6.55 miles short spaced to the Gonzales Channel 292A reference point.

the Channel 292A assignments at Terrell Hills and Gonzales, Tex.; that it appeared that the short spacing problem could not be satisfactorily resolved by selection of a suitable transmitter site meeting required separations. (The site for Station KBUC-FM's Terrell Hills 292A operation is approximately 5.87 miles short spaced from the reference point for the Gonzales Channel 292A assignment, and the noted applications tendered for new Terrell Hills Channel 292A operations also proposed use of short spaced sites); that no available substitute for Channel 292A at either Terrell Hills or Gonzales could be found; and that, as between deleting Channel 292A from Terrell Hills or Gonzales to eliminate the short spacing problem, its deletion from Terrell Hills was warranted since San Antonio has been assigned nine FM Class C channels and Terrell Hills is within the San Antonio urbanized area which the stations occupying the San Antonio assignments serve and provide with a variety of local FM services (commercial stations are now operating on eight of the nine San Antonio FM Class C assignments, and a ninth FM commercial service will be made available soon when Channel 298C is activated by Station KBUC-FM), whereas, Gonzales (1970 population 5,854), a rural community which is approximately the same size as Terrell Hills, has opportunity for a local FM service only on Channel 292A.

4. As a ground for reconsideration, TH Broadcasting submits that it was in error to conclude that the short spacing problem between the Terrell Hills and Gonzales Channel 292A assignments could not be resolved by judicious site selection. It contends, and its technical showing demonstrates, that there is an area 8 miles or less west of the most distant part of the corporate limits of Terrell Hills (eastern edge) where a transmitter for a Terrell Hills 292A operation could be located and meet all separation and city service requirements of the rules, including the 65-mile separation required from the Gonzales Channel 292A assignment. This area includes 8,633 acres, over 1,000 of which are designated as woods or brushland area, and TH Broadcasting believes that a suitable transmitter site for a Channel 292A operation could be found in this area. It states that it is willing and will endeavor to secure one in the area and to change its tendered Terrell Hills 292A application appropriately if Channel 292A is reinstated as a Terrell Hills assignment. TH Broadcasting also submits that the short spacing problem could be reduced to a very minimum amount by utilizing a transmitter site further from Gonzales than the 3.3 mile short spaced Olmos Tower location proposed in its tendered application. (In proposing that short spaced site, it erroneously assumed that an application proposing a short spaced transmitter site further from the Gonzales assignment than the site used by Station KBUC-FM for its Channel 292A operation would be accepted for filing without question.) If reconsideration is granted in this matter,

TH Broadcasting also requests that our engineering staff be directed to specify the area which would be acceptable for locating the transmitter for its proposed Terrell Hills 292A operation.

5. S.S.S. primarily wants Channel 292A retained in the San Antonio urbanized area for use, among others, to provide the black community with a nighttime service. It submits that the solution to the short spacing problem between the Terrell Hills and Gonzales Channel 292A assignments is to delete the Gonzales assignment rather than the Terrell Hills assignment since the Gonzales assignment, although made in 1966, has never been used and there has been no demonstrated need or interest for an FM station in that community while, on the other hand, the Terrell Hills assignment has been in use by Station KBUC-FM since 1967, and now that it is moving to operation on a San Antonio Class C assignment, two separate parties besides itself have evidenced interest in use of Channel 292A in the San Antonio urbanized area.

6. S.S.S. urges that it would not be in the public interest to delete an unused assignment, such as Channel 292A, when there is a pressing need for its use to serve the black community in San Antonio. It avers that the blacks represent a significant minority in the San Antonio urbanized area, numbering 56,394 out of the total population of 830,460 in metropolitan San Antonio (Bexar County), over 50,000 of whom reside within the corporate limits of San Antonio (population, 654,193), according to the 1970 census figures, and that its AM daytime station (KAPE) is the only one of the 11 AM and 10 FM stations serving as local outlets in the San Antonio metropolitan area which programs to meet the needs, interests and desires of the black audience. S.S.S. claims that there is no question that black-oriented nighttime programming is also needed and desired by the blacks in San Antonio and that this is evidenced by the letters and several petitions submitted with its petition and by the calls, letters, and personal contacts it has had. Since all other FM assignments at San Antonio are now occupied, it stresses that the Terrell Hills Class A assignment represents the last opportunity to obtain an FM channel for use to serve the black community and bring it a nighttime service tailored to meet its needs and interests.

7. If Channel 292A is retained at Terrell Hills, S.S.S. states that it will apply for the channel, and if awarded a grant, would fulfill its primary obligation to serve Terrell Hills residents but would also serve the needs of the black residents located throughout the San Antonio metropolitan area. However, S.S.S. urges that if, for any reason, we believe that the Terrell Hills assignment should not be used to serve the interests of the blacks residing throughout the San Antonio metropolitan area, we should then, on our own motion, make Channel 292A a San Antonio assignment.

8. S.S.S. argues that this alternate proposal to make Channel 292A a San

Antonio assignment has merit in view of the fact that the Examiner concluded in the comparative hearing case for the San Antonio Channel 298C assignment, in which Turner Broadcasting Corp., the KBUC-FM licensee was the ultimate grantee, Turner Broadcasting Corp., 31 FCC 2d 164 (1969), that there is no real distinction between Terrell Hills and San Antonio and that the needs, interests, and desires of Terrell Hills residents are basically the same as other residents of the San Antonio urbanized area. It quotes from the Examiner's conclusions in this regard, as follows (31 F.C.C. 2d 184):

Based on the record as a whole, it is concluded that Terrell Hills is realistically a residential enclave wholly within the city limits of San Antonio which shares the needs, interests, social, civic, and recreational facilities of San Antonio generally; and is in large degree dependent on San Antonio for governmental services. The extent to which the record shows Terrell Hills to be distinctive rests in the higher economic position and educational achievements of its residents. Stated simply, it is one of the better residential areas of the community and nothing more, with the broadcast stations there assigned being dependent on San Antonio and its metropolitan area for existence.

S.S.S. also maintains that the history of 292A at Terrell Hills indicates that the frequency has in fact been used to serve the needs and interests of the entire San Antonio area rather than just Terrell Hills and states that Turner Broadcasting, the KBUC-FM licensee, in the comparative proceeding for the San Antonio Class C facility, itself urged that any separate distinct needs of Terrell Hills from those of San Antonio are minimal.

9. These petitioners convince us that our action deleting Channel 292A from Terrell Hills should be rescinded. Since it appears that there is an area approximately 8 miles west of Terrell Hills where a transmitter for a Terrell Hills Channel 292A operation could be located and satisfy all separation and city service requirements of the rules, it is reasonable to assume that the short spacing problem between the Terrell Hills and Gonzales 292A assignment could be resolved by judicious state selection. This being the case, we agree that the assignment would not be withdrawn without prior rule making for this reason. On the other hand, we are not satisfied by the petitioners' showings that Channel 292A is an otherwise technically desirable or needed assignment at Terrell Hills, and we think that the question of whether Channel 292A should be retained at Terrell Hills or deleted for assignment elsewhere warrants further consideration in rule making.

10. Due to the size of San Antonio and its urbanized area, of which Terrell Hills is a part, aside from Channel 292A, only Class C channels, designed for wide area coverage, have been assigned to this area. Unlike Class C channels, Class A channels are designed for limited coverage. Consequently, if Channel 292A is retained at Terrell Hills, it would be technically inferior to all other FM assignments in the San Antonio area and

could not be used to provide a service which would be technically comparable to that which all the other local stations in the San Antonio area can provide. Since San Antonio now has nine Class C assignments, plus a Class C educational assignment, all occupied by existing stations, except Channel 298C which will soon be activated by the former Channel 292A licensee, and Terrell Hills is served by these stations, we believe it questionable whether there is any justifiable need or other reason for retaining Channel 292A at Terrell Hills to provide another local FM service in the San Antonio urbanized area which would be technically inferior to all others in the area. We think it may be better policy and in the public interest to reassign this Class A channel to fill a present or future need for FM service in unserved or underserved areas outside the San Antonio urbanized area. For example, there are a number of Texas communities within a radius of 40 miles, and 40 to 65 miles, from San Antonio, and outside the San Antonio urbanized area, such as Poteet, and Pleasanton, to the south, and Boerne, Jourdan, Charlotte, Kerrville, Fredericksburg, and Blanco, to the northwest, where Channel 292A could be assigned and used at required spacings if not retained at Terrell Hills. In the rule making proceeding we are instituting simultaneously with this decision with respect to the Channel 292A Terrell Hills assignment we are inviting comments to assist us in reaching a decision in this regard.

11. While S.S.S. Broadcasting contends that the need of the black community in the San Antonio area for radio service, particularly nighttime service, oriented to its needs and interests is not now being adequately satisfied, and the letters and petitions submitted from local residents support its view, we are not convinced that retaining Channel 292A at Terrell Hills, or reassigning it to San Antonio, as suggested, is a desirable or needed solution to the problem. This Class A channel cannot be assigned at San Antonio since, because of its size, a Class A channel could not provide the requisite 70 dBu signal over the entire city, required by § 73.315(a) of the rules. If retained at Terrell Hills, where it appears that less than 150 of the Black community in the San Antonio urbanized area reside,<sup>5</sup> only a technically inferior grade of service could be provided throughout other portions of the San Antonio urbanized area where the majority of the black community reside. The need for a Class A assignment at Terrell Hills to meet programming needs of the black community in the San Antonio area is also tempered, we believe, by the fact that we have already assigned 10 occupied Class C channels (one educational) to serve the San Antonio area and that it would appear

<sup>5</sup> 1970 census figures submitted by S.S.S. Broadcasting indicate that the black community in metropolitan San Antonio (Bexar County) numbers 56,394, out of the total population of 830,460.

that sufficient channels have been provided and stations are at hand to satisfy all significant programming needs of the black community, as well as all other important minority and other groups, in the San Antonio area. As they are aware, the local station licensees, who bear a public interest responsibility for programming to meet the problems, needs, and interests of their community of license, are required to program adequately for the substantial black and other minority groups in their area, and we will take whatever steps are appropriate and necessary to see that they correct any existing deficiencies in this regard.

12. Accordingly, the petitions for reconsideration filed by Terrell Hills Broadcasting Co. and S.S.S. Broadcasting, Inc., from our memorandum opinion and order, released February 28, 1972 (FCC 72-189), are granted; and

13. *It is further ordered*, Pursuant to authority contained in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, that our action in the said memorandum opinion and order amending section 73.202(b), Table of Assignments, FM Broadcast Stations, by deleting Channel 292A from Terrell Hills, Tex., is rescinded, and the table is amended by replacing the following entry in the table:

City	Channel No.
Terrell Hills, Tex.	292A

14. In a separate document adopted today, we are also instituting rule making in the matter of the Channel 292A Terrell Hills assignment.

City	Population	County	Population	Petitioner
Clarinda, Iowa	5,420	Page	18,507	Clarinda Broadcasting Co.
Jackson, Calif.	1,924	Amador	11,821	Vernon C. Hatfield.
Clarksville, Va.	1,641	Mecklenburg	29,426	Lakes Broadcasting Co.
Luquillo, P.R.	2,412	Luquillo (municipio)	10,390	Carlos Rivera.
Wayne, Nebr.	5,379	Wayne	10,400	Wyman N. and Willa N. Schnepp.
Mammoth Lakes, Calif.	2,500 (approximately)	Mono	4,016	Mammoth Mountain FM Associates, Inc.

3. As stated in the notice, each petitioner sought a channel which could be assigned to the community without change elsewhere. As to Mammoth Lakes and Jackson, Calif., each is located in counties adjacent to a Standard Metropolitan Statistical Area (SMSA), but preclusion studies submitted show no adverse preclusive impact. Each of the petitioners filed comments stating their intention to apply for the channel, if assigned, and to build a station, if authorized. In the circumstances, it appears that the public interest, convenience, and necessity would be served by assigning the channels proposed in the notice in each of the communities.

4. *It is ordered*, That the FM Table of Assignments (§ 73.202(b) of the Commission's rules) should be amended, as concerns the following communities, effective July 28, 1972:

(Secs. 4, 303, 307, 48 Stat., as amended, 1088, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: June 14, 1972.

Released: June 16, 1972.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>4</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[FR Doc.72-9416 Filed 6-21-72; 8:59 am]

[Docket No. 19388; FCC 72-518]

## PART 73—RADIO BROADCAST SERVICES

### FM Broadcast Stations, Table of Assignments for Certain Cities

*Report and order.* In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Clarinda, Iowa; Jackson, Calif.; Clarksville, Va.; Luquillo, P.R.; Wayne, Nebr.; Mammoth Lakes, Calif.) Docket No. 19388; RM-1824; RM-1826; RM-1834; RM-1846; RM-1868; RM-1875.

1. The Commission here considers the notice of proposed rule making in Docket No. 19388, adopted January 5, 1972 (FCC 72-13; 37 F.R. 539), proposing amendments of the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) for first channels (all Class A) to six communities.

2. Only Wayne, Nebr., has any radio service—daytime-only AM Station KTCH licensed to the petitioner. In the order set forth in the caption, the population of the community, the county, and the population of the county, and the petitioners are as follows:

<sup>4</sup> Commissioner H. Rex Lee absent.

City	Channel No.
Jackson, Calif.	232A
Mammoth Lakes, Calif.	292A
Clarinda, Iowa	292A
Wayne, Nebr.	285A
Luquillo, P.R.	221A
Clarksville, Va.	252A

5. *It is further ordered*, That this proceeding is terminated. Authority for this amendment is contained in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended.

(Secs. 4, 303, 307, 48 Stat., as amended, 1088, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: June 14, 1972.

Released: June 16, 1972.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[FR Doc.72-9421 Filed 6-21-72; 8:59 am]

<sup>1</sup> Commissioner H. Rex Lee absent.

[Docket No. 19116; FCC 72-515]

**PART 73—RADIO BROADCAST SERVICES**

**FM Broadcast Stations, Table of Assignments for Certain Cities**

*Order.* In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations. (Skowhegan, Augusta, Westbrook, and South Paris, Maine; Plymouth and Dover, N.H.; Waterbury, Vt.; and Plattsburgh, N.Y.). Docket No. 19116; RM-1442; RM-1464.

1. As concerns Augusta, Maine, the report and order, adopted November 10, 1971 (32 FCC 2d 549), substituted Channel 294 for Channel 283, for which Abenaki Co. (Abenaki) had applied for at Gardiner, Maine (BPH-6403).

2. In order to allocate Channel 286 to Skowhegan, Maine, it was variously proposed to substitute either Channels 281, 282, or 294 at Augusta. Canadian authorities favored Channel 281 or 294. Abenaki opposed Channel 281 because of short-spacing between its proposed site to Station WBCN, Channel 281, Boston, Mass. Abenaki preferred Channel 282, which, while short-spaced to the Canadian cochannel at Woodstock, New Brunswick, by 3 miles from the Augusta reference point, would meet full spacing to the proposed Gardiner transmitter site. In the circumstances, we assigned Channel 294<sup>1</sup> until the question of allocating Channel 282 for use at Gardiner could be taken up with the Canadian authorities. See paragraph 15 of the report and order; 32 FCC 2d at 556. Canada has assented to allocation of Channel 282 to Augusta.

3. Accordingly, it is ordered, That effective July 28, 1972, the FM Table of Assignments (§ 73.202(b)) is amended as concerns Augusta, Maine, to read as follows:

City	Channel
Augusta, Maine	267, 282

4. Authority for this amendment is contained in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended.

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

Adopted: June 14, 1972.

Released: June 16, 1972.

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

[FR Doc. 72-9420 Filed 6-21-72; 8:59 am]

<sup>1</sup> Because of alleged second-harmonic interference to Station WGAN-TV, Channel 13, Portland, Maine, Channel 294 had been objected to. Our notice indicated that this was a correctable matter which would not stand in the way of a needed FM assignment.

<sup>2</sup> Commissioner H. Rex Lee absent.

[Docket No. 19316; FCC 72-517]

**PART 73—RADIO BROADCAST SERVICES**

**FM Broadcast Stations, Table of Assignments for Certain Cities**

*First report and order.* In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Wisconsin Dells, Wis.; Ocean City, Md.; Fulton, Ky.; Cabo Rojo, P.R.; Lobelville, Tenn.; Jacksonville, Fla.; Steamboat Springs, Colo.) Docket No. 19316; RM-1716; RM-1719; RM-1726; RM-1732; RM-1738; RM-1745; RM-1749.

1. By its notice of proposed rule making (FCC 71-955), adopted September 8, 1971, the Commission invited comments on the above captioned proposals for rule making.<sup>1</sup> These proposals include requests for first assignments at Cabo Rojo, P.R.; Lobelville, Tenn., and Wisconsin Dells, Wis. The Ocean City, Md., proposal is for a second assignment and the Steamboat Springs, Colo., and Fulton, Ky., proposals are for substitute channels.

2. *Wisconsin Dells, Wis.* Obed S. Borgen seeks the assignment of Channel 296A to Wisconsin Dells, to provide a first local nighttime service. He asserts that this channel could be used there if the Dodgeville, Wis., assignment were changed from Channel 296A to 257A and the Platteville, Wis., assignment were changed from 257A to 296A, and has indicated his willingness to reimburse the licensees of the stations operating on these channels for their costs incurred in changing frequency.<sup>2</sup> At present, the only local service is provided by Mr. Borgen's daytime-only AM station. Although the population of Wisconsin Dells is only 2,105, he indicates that this number is substantially increased by the influx of tourists that form the mainstay of the area economy. Notwithstanding the channel changes that would be required he believes that it is important to establish a full-time broadcast facility for this area.

3. In addition to Mr. Borgen's comments in favor of the proposal, the only other material filed was a letter from Robert J. Bodden, Vice President and General Manager of the Platteville station that would be affected by adoption of the proposal. Mr. Bodden charges that changing his station's channel would cause it a considerable loss of coverage and a definite loss in established audience. He fears that the station's audience would be confused by the

<sup>1</sup> One additional proposal, that for Jacksonville, Fla., is not included in our present action but will receive our attention in the near future.

<sup>2</sup> Although the FM Table lists Channel 257A as assigned to Dubuque, Iowa, it is utilized at Platteville, Wis., some 19 miles distant, under the former provisions of § 73.203(b) of the rules. To be consistent with the present provisions of the rule and to a result of the action taken herein, Channel 257A will be deleted from Dubuque, Iowa, and Channel 296A will be substituted at Platteville, Wis.

change, especially since the Dodgeville station which would move to its former channel is only 25 miles away. Moreover, he asserts that being only 72 miles apart, a co-channel operation in Wisconsin Dells as has been proposed would limit his station's coverage beyond 30 miles from Platteville. (Finally, Mr. Bodden asserts that four FM stations already provide service to Wisconsin Dells and no more are needed.)

4. Although Mr. Bodden refers to four stations serving Wisconsin Dells, two of them are Class A operations some distance away and the other two, though higher powered, are also some distance from Wisconsin Dells. None of these stations could be expected to orient itself toward serving Wisconsin Dells and its environs. At present, Wisconsin Dells lacks a full-time radio facility and Mr. Bodden does not dispute petitioner's assertion that this is the only way of bringing a first local nighttime service to that area. We believe that providing for this service is an important matter, warranting favorable action, unless there are significant countervailing considerations. We find Mr. Bodden's assertions on this score unpersuasive. He fears the impact of the successor to his old channel, operating only 25 miles away, but the 1 mv/m contour of a Class A station falls far short of this distance, even with maximum facilities. Undeniably, there is inconvenience in any change in frequency, but steps can be taken by the affected stations to inform their listeners and lessen its impact. While this impact is not to be discounted, we must take into account the important public interest considerations involved, and doing so convinces us that the balance clearly favors the proposal. Finally, the concern expressed about a cochannel operation being only 72 miles away is not a matter given recognition in our rules. The required separation in this case is 65 miles and the rules provide no protection other than that embodied in the mileage minimum. This is not to say that there could be no impact. However, were we to take this into account and protect a station to the extreme limit to which its signals could be received, it would be possible to make very few assignments. Thus, in an effort to balance the competing needs for local service and for wideness of coverage, we established three classes of stations and utilized minimum spacing requirements to govern their location. This proposal meets these requirements and Mr. Bodden has not given us any basis for altering our judgment and giving his situation special treatment. Accordingly, we will adopt the proposed assignment in Wisconsin Dells and modify the licenses of the Dodgeville and Platteville stations upon expiration of their current license term.<sup>3</sup>

<sup>3</sup> This procedure is in accordance with our previous practice in like circumstances—see *Transcontinent Television Corp. v. FCC* 113 U.S. App. D.C. 284, 308 F. 2d 339, 23 RR 2064 (1962) and *Second Report and Order* in Docket 18051 (Rockford, Illinois) 17 FCC 2d 947 (1969).

5. *Ocean City, Maryland.* Commercial Radio Institute seeks the assignment of Channel 260 to Ocean City, a community of 1,334 year-round residents, whose numbers are greatly increased by an influx of tourists during the summer months. Ocean City already has one FM assignment, but it is utilized on a dual-city basis with Salisbury, Maryland. It also has a full-time AM station. Although we indicated a readiness to consider assignment of the requested channel, we also suggested the possibility of using Channel 257A as an alternative, a channel that might be more suitable for a community of this size. Thus, we asked for comparative coverage information regarding use of a Class B versus a Class A channel in Ocean City. We were also concerned that assignment of Channel 260 would foreclose use of Channels 257A and 261A in several area communities and noted that petitioner had not supported its assertion that substitute channels were available for use in these localities.

6. In its comments, the only one filed in response to this proposal, petitioner again urged the need for a Class B assignment. According to its figures, a Class A station would serve only 19,469 year-round residents as compared to the 45,402 that the Class B operation with reasonable facilities (assumed to be 30 kw ERP at 300 feet AAT) would serve or the 127,350 persons the Class B operation would serve at maximum facilities. It also insisted that competitive equality with the facilities of the existing Class B operation was a necessity if the new station were to survive. Petitioner has documented its assertion that substitute Class A channels would be available, and, as it points out, assignment of the alternative channel, 257A, would preclude use of Channel 260, the only Class B channel that is available.

7. We are persuaded by petitioner's showing that assignment of Channel 260 is appropriate. Its showing has resolved our concern about the preclusionary impact on adjacent channels and it has documented the need for a Class B operation to be able to render service based on the economic realities of competition with the Class B operation already serving the community. We also agree that the smallness of the permanent population of Ocean City is not the only factor to take into account. In addition to the influx of thousands of seasonal residents, the fact remains that the higher powered operation would provide service to large areas now receiving only limited FM service. Having provided a first Class B channel for the area, we would serve no purpose by unnecessarily limiting the area's second FM operation by arbitrarily limiting its potential for service to large numbers of persons only servable with Class B facilities. Nevertheless, since these views are premised on the inauguration of a more than minimal Class B operation, we will require that any application for this channel propose an effective radiated power of at least 25 kilowatts. Thus, we hope to insure that purposes for which we are assigning Channel

260 have a reasonable expectancy of fulfillment.

8. *Fulton, Ky.* In response to the petition by Ken-Tenn Broadcasting Corp., licensee of Station WFUL-FM, Fulton, Ky., we proposed the substitution of Channel 257A for 285A so that the second harmonic interference to reception of TV Channel 12 from Cape Guardeau could be ended. As in similar cases which have occurred previously, we indicated our concern about making changes solely on this basis when disruptions could be caused in the arrangement of scarce assignments and the result could merely be the transfer of the interference problem to another area. Therefore, we asked for additional information to the nature of the problem and the wisdom of the proposed solution. In response to the notice, Ken-Tenn Broadcasting Corp. indicated that its efforts at rectification of the interference problem had not been entirely successful and it insisted that its proposal would not transfer the problem elsewhere. It also asserted that the proposal would enable it to operate with more than its present 500 watts ERP and thus provide service to significantly more people than it is now able to serve. No other comments were filed.

9. Although petitioner's comments are not accompanied by any engineering showing, our own analysis convinces us that in point of fact, the interference problem will not be moved elsewhere and the substitute channel does constitute a preferable assignment in any event. Were the proposed channel not clearly preferable in terms of its fitting the overall pattern of assignments, we would be concerned about the lack of meaningful comments from the proponent of the rule making, and could not act favorably on the petition unless the assertions in it were documented more thoroughly. In this instance the lack of data regarding the failure of efforts to rectify the interference problems has not assumed such significance as to require denial of the proposal, and Channel 257A will be substituted. Others in like circumstances should not rely on our acting unless proper documentation has been provided.

10. *Cabo Rojo, P.R.* David Ortiz Radio Corp., licensee of a daytime-only AM station at Cabo Rojo, has proposed the assignment of Channel 221A to provide the community with a first FM assignment. Cabo Rojo has a population of 7,158 and is located in a municipio having 25,569 residents. The requested assignment meets all applicable requirements and would permit inauguration of Cabo Rojo's first FM and first local nighttime service. This is a community of substantial size in need of such service and the only comments submitted were those of the petitioner and included letters from area residents testifying to the need for the service. The case for the assignment is clear and it shall be made.

11. *Lobelville, Tenn.* Mid-South Professional Services, Inc., has proposed the assignment of Channel 232A to Lobelville, Tenn. No other party has commented on this proposal. This community of 773 per-

sons lacks any broadcast facility, as does the county, which has a population of 5,238. While the community is small, the lack of any broadcast facility assumes even greater importance in reaching our decision. There is, according to the petitioner, reason to expect growth in the area and a basis for thinking that the station might well contribute to this growth as well as benefit from it. Although a site would have to be selected about 4 miles, west of the town in order to meet the spacing requirements to Station WJMM-FM, Lewisburg, Tenn., also on Channel 232A, petitioner states that suitable sites are available, one of which it has already obtained. Finally, this channel can only be used in a limited area and using it at Lobelville would not deprive another larger community of a needed service. In sum, we view the assignment as being warranted, and it will be made.

12. *Steamboat Springs, Colo.* Armstrong Broadcasting Corp., licensee of Station KOSI-FM in Denver, urged a change in the unoccupied Steamboat Springs channel from 265A to 244A in order to eliminate the short-spacing to Armstrong's new transmitter site. According to petitioner, the only party participating in regard to this proposal, unless the substitution were made, a future applicant for the Steamboat Springs channel would be severely restricted in its ability to select a site meeting applicable spacing requirements. On the basis of the information before us it seems clear that the proposed change can be accomplished without detrimental impact on other assignments or on the assignment plan as a whole. Since the proposal has a number of important benefits for both the Denver and Steamboat Springs channels we believe that the public interest would be served by making the requested change in the Steamboat Springs assignment, and it shall be made.

13. Authority for this amendment is contained in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended. In view of the foregoing, it is ordered, That effective July 28, 1972, the FM Table of Assignments, section 73.202(b) of the rules, is amended to read as follows for the cities listed below:

City	Channel No.
Steamboat Springs, Colo.....	244A
Dubuque, Iowa.....	225, 272A, 287
Fulton, Ky.....	257A
Ocean City, Md.....	1 260, 284
Cabo Rojo, P.R.....	221A
Lobelville, Tenn.....	232A
Dodgeville, Wis.....	2 257A
Platteville, Wis.....	2 296A
Wisconsin Dells, Wis.....	2 296A

<sup>1</sup> Any application for this channel must specify an effective radiated power of at least 25 kilowatts.

<sup>2</sup> Effective 3 a.m. central standard time, Dec. 1, 1973 (concurrently with the expiration of the outstanding licenses for Dodgeville, Wis., Station WDMP-FM on Channel 296A and Platteville, Wis., Station WSWW-FM on Channel 257A), or such earlier date as both of these stations at their request cease operation on their present channels.

14. *It is further ordered*, That effective July 28, 1972, and pursuant to section 316(a) of the Communications Act of 1934, as amended, the outstanding license held by Ken-Tenn Broadcasting Corp. for Station WFUL-FM, Fulton, Ky., is modified to specify operation on Channel 257A in lieu of Channel 285A subject to the following conditions:

(a) The licensee shall inform the Commission in writing by no later than July 28, 1972, of its acceptance of this modification.

(b) The licensee shall submit to the Commission by August 18, 1972, all necessary information complying with the applicable technical rules for modification of authorization to cover the operation of Station WFUL-FM on Channel 257A at Fulton, Ky.

(c) The licensee may continue to operate on Channel 285A under its outstanding authorization until it is ready to operate on the new frequency and submits an application for an FM broadcast station license with proof of performance measurement data to demonstrate compliance with technical performance requirements of the rules. The licensee shall not operate on Channel 257A without prior authorization from the Commission.

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

Adopted: June 1, 1972.

Released: June 1, 1972.

FEDERAL COMMUNICATIONS COMMISSION,<sup>4</sup>

[SEAL] BEN F. WAPLE, Secretary.

[FR Doc.72-9423 Filed 6-21-72;8:59 am]

[Docket No. 19336; FCC 72-516]

**PART 73—RADIO BROADCAST SERVICES**

**FM Broadcast Stations, Table of Assignments for Rumford, Maine**

In the matter of amendment of § 73.202, table of assignments, FM Broadcast Stations (Rumford, Maine). Docket No. 19366; RM-1630.

*Report and order.* 1. The Commission here considers the notice of proposed rule making, adopted December 8, 1971 (FCC 71-1241; 36 F.R. 23932), proposing Channel 242 in lieu of Channel 292A at Rumford, Maine. All population figures, unless otherwise noted, are from the 1970 census.

2. Rumford, with a population of 9,363, is the largest city in Oxford County, population 43,457. AM Station WRUM, daytime only, licensed to the petitioner Rumford Broadcasting Co., Inc. (Rumford Broadcasting), is located there. Rumford Broadcasting had petitioned on the basis that Channel 292A is inadequate to fulfill the needs of Rum-

ford and the Rangely Lakes region. Our notice indicated that (a) Rumford Broadcasting submit a preclusion study, (b) Rumford Broadcasting make a showing of the type set out in the Roanoke Rapids and Goldsboro, 9 FCC 2d 672 (1967), case, and (c) concurrence of the Canadian Government was necessary (since Rumford is located within 250 miles of the United States-Canada border).

3. The preclusion study filed by Rumford Broadcasting<sup>1</sup> shows that there would be preclusion on Channels 240 through 244, but the 10 communities within the preclusion areas each have at least one FM allocation and their size does not warrant any additional allocation(s). Rumford Broadcasting has made a Roanoke Rapids-Goldsboro type showing on the basis of the normal prediction method. A showing on a terrain limited basis, under § 73.313(e) of the Commission's rules, might have been more appropriate considering the mountainous terrain in the proposed service area.<sup>2</sup> In the circumstances, service from other stations into the Rumford station's service area would be substantially less than shown. By the same token, only a Class C channel at Rumford would provide any degree of adequate service. Canada has agreed to the assignment of Channel 242 to Rumford.

4. In view of the foregoing, the public interests, convenience, and necessity would be served by the allocation of Channel 242 to Rumford. Accordingly, *it is ordered*, That, effective July 28, 1972, the FM table of assignments, is amended, as concerns Rumford, to state as follows:

City	Channel No.
Rumford, Maine-----	242

Authority is set forth in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended.

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

(Secs. 4, 303, 307, 48 Stat., as amended, 1068, 1082, 1083; 47 U.S.C. 154, 303, 307)

FEDERAL COMMUNICATIONS COMMISSION,<sup>3</sup>

[SEAL] BEN F. WAPLE, Secretary.

[FR Doc.72-9422 Filed 6-21-72;8:59 am]

<sup>1</sup> Guy Gannett Broadcasting Service as the licensee of Station WGAN-TV, Channel 13, Portland, Maine, also filed comments. It favors the proposal because a station on Channel 292A might cause second harmonic interference to it. Our position in this respect has been and is that this is not a factor which can ordinarily be taken into account, since the problem is correctable. See public notice "Policy to Govern Change of FM Channels to Avoid Interference to Television Reception," 6 R.R. 2d 672 (1966), and "FM Interference to TV Reception" (FCC 67-1012).

<sup>2</sup> Rumford Broadcasting, if the successful applicant, proposes a facility of 8.9 E.R.P. at 1,000 feet a.a.t.

<sup>3</sup> Commissioner H. Rex Lee absent.

<sup>4</sup> Commissioner H. Rex Lee absent.

**Title 49—TRANSPORTATION**

**Chapter V—National Highway Traffic Safety Administration, Department of Transportation**

[Docket 4-2; Notice 5]

**PART 571—MOTOR VEHICLE SAFETY STANDARDS**

**Warning Devices**

The purpose of this notice is to respond to petitions for reconsideration of Motor Vehicle Safety Standard No. 125, Warning Devices, in § 571.125 of Title 49, Code of Federal Regulations. The standard was issued on March 1, 1972 (37 F.R. 5038).

The Amerace-Esna Corp. suggested that the 98-percent purity requirement for the red reflex reflective material be deleted since the trichromatic color coefficients provide sufficient definition of the red color. The NHTSA agrees, and furthermore has determined that the purity requirement for the orange fluorescent material should be deleted for the same reasons. Accordingly, S5.3.1(c) and S5.3.2(c) are deleted from the rule.

Hawes Industries, Inc., requested that the standard permit the use of a triangular warning device designed to be secured on the roof of a motor vehicle. They stated that the roof location was more convenient to the consumer than the recommended positioning behind the car and afforded as much or more protection. As stated in the preamble to the standard, a number of comments advocating positioning of the device on the vehicle roof or side were received and reviewed by the NHTSA in the formulation of the final rule. The Administration determined that placement of the device behind the vehicle would provide maximum protection by affording a greater distance for recognition and response by oncoming traffic. For this reason, it has recommended positioning of the device 100 feet behind the vehicle and requires an illustration indicating this location to be provided in the instructions. The standard does not prohibit manufacture or sale of a device capable of being mounted on a vehicle roof, as long as it meets all the Standard 125 requirements, including the capability of being set up on the ground.

The standard requires that an illustration depicting recommended positioning of the device be included with the instructions for the device. The Administration is amending S5.1.5(c) to clarify its intent that the illustration provided be substantially identical to Figure 3.

The standard as issued establishes separate width requirements for red reflex reflective material and orange fluorescent material affixed to the faces of the warning device. Rowland Development Corp. stated that it manufactures a "dual purpose fluorescent orange-red reflective material," and requested that the separate width requirements be suspended when such material is used. The

request appears to have merit, but NHTSA has concluded that an evaluation of the requirements pertaining to the fluorescent orange material is necessary before it can respond to this request. A notice of proposed rule making containing proposed changes will be issued when the evaluation is completed. When the final revised requirements for the fluorescent material are established, a precise definition of the dual purpose material can be formulated.

Prof. D. M. Finch of the University of California stated that in order to clarify the color requirements the respective sources of illumination for the measurement of the red and orange color should be specified. The NHTSA agrees that this should be done, and accordingly S5.3.1 has been modified to specify the use of a lamp with a tungsten filament operating at 2,854° K for the red measurement. The source of illumination for the measurement of the orange color will be specified with the revision of the fluorescent material requirements referred to above.

The word "tungsten" is inserted before the word "filament" in the rule, as a clarification of the test conditions for red color and reflectivity.

In consideration of the foregoing, Motor Vehicle Safety Standard No. 125, Warning Devices, 49 CFR 571.125, is amended as follows:

1. S5.1.5(c) is amended to read:

(c) Instructions shall include the illustration depicted in Figure 3 indicating recommended positioning.

2. S5.3.1 is amended to read:

S5.3.1 The color of the red reflective material on the warning device shall have the following characteristics, both before and after the warning device has been conditioned in accordance with S6.1, when the source of illumination is a lamp with a tungsten filament operating at 2,854° Kelvin color temperature:

(a) A chromaticity coordinate  $y$  of not more than 0.33.

(b) Chromaticity coordinates  $x$  and  $y$  whose sum is not less than 0.992.

3. S5.3.2 is amended to read as follows:

S5.3.2 The color of the orange fluorescent material on the warning device shall have the following characteristics, both before and after the warning device has been conditioned in accordance with S6.1:

(a) A chromaticity coordinate  $y$  of not less than 0.351 and not more than 0.424.

(b) Chromaticity coordinates  $x$  and  $y$  whose sum is not less than 0.943.

4. S6.2 is amended to read as follows:

S6.2 *Reflectivity test.* Test the red reflective material as follows:

(a) Prevent the orange fluorescent material from affecting the photometric measurement of the reflectivity of the red reflective material, either by separation or masking.

(b) Use a lamp with a tungsten filament operating at 2,854° Kelvin color temperature as the source of illumination.

(c) Place the source of illumination 100 feet from the red reflective material (Figure 2).

(d) Place the observation point directly above the source of illumination (Figure 2).

(e) Calculate the total candlepower per incident foot candle of the red reflective material at each of the entrance and observation angles specified in Table 1.

Effective date: January 1, 1974.

(Secs. 103, 112, 119, National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392, 1401, 1407; delegation of authority, 49 CFR 1.51)

Issued on June 19, 1972.

DOUGLAS W. TOMS,  
Administrator.

[FR Doc.72-9400 Filed 6-21-72; 8:47 am]

## Chapter X—Interstate Commerce Commission

### SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Service Order 1100]

#### PART 1033—CAR SERVICE

##### Union Pacific Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 6th day of June 1972.

It appearing, that the Union Pacific Railroad Co. has filed an application with the Commission in Finance Docket No. 27116, for a certificate of public convenience and necessity authorizing operation over a railroad owned by the Agricultural Products Corp., between a point of connection near Union Pacific Railroad Co. Conda branch milepost six, in the vicinity of Epco, Caribou County, Idaho, and Dry Valley, Caribou County, Idaho, a distance of approximately 17.67 miles, together with the necessary connecting and auxiliary tracks; that the Commission is of the opinion that there is immediate need for service over this line pending decision by the Commission in Finance Docket No. 27116, and that operation of this line by the Union Pacific Railroad Co. is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impractical and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1100 Service Order No. 1100.

(a) Union Pacific Railroad Co. authorized to operate over tracks of Agricultural Products Corp. between Epco, Caribou County, Idaho, and Dry Valley, Caribou County, Idaho. The Union Pacific Railroad Co. be, and it is hereby, authorized to operate over tracks of the Agricultural Products Corp. between a point of connection near Union Pacific Railroad Conda branch milepost six, in the vicinity of Epco, Caribou County, Idaho, and

Dry Valley, Caribou County, Idaho, a distance of approximately 17.67 miles, together with the necessary connecting and auxiliary tracks.

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

(c) Effective date. This order shall become effective at 11:59 p.m., June 9, 1972.

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

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

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

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.72-9458 Filed 6-21-72; 8:53 am]

#### PART 1056—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

[Ex Parte No. MC-19 (Sub-No. 9)]

##### Practices of Motor Common Carriers of Household Goods

Order. At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 23d day of May 1972.

It appearing, that the Commission issued a notice of proposed rulemaking, dated June 23, 1969, in which notice was given of its proposals, inter alia, (1) to inquire into the nature of existing agency agreements and relationships entered into by motor common carriers of household goods operating in interstate or foreign commerce subject to the Interstate Commerce Act, (2) to investigate the effect these agency agreements and relationships have upon the adequacy of interstate moving services and the obligation of the authorized common carrier principals to perform reasonably adequate and continuous service pursuant to the terms of their certificates, (3) to consider whether there should be adopted rules and regulations, or attached to the exercise of the privileges granted by the certificates, such reasonable terms, conditions, or limitations, governing these agency relationships, including the formulation of appropriate requirements as

to the registration of agents with this Commission and the determination by this Commission of such agents' fitness, as well as the possible prescription of uniform agency agreements, agent qualifications and performance standards, bonding and tenure requirements, methods of compensation, and other related matters, and (4) to take such other and further action, including possible recommended legislation, as the facts and circumstances may justify or require;

It further appearing, that investigation of the matters and things involved in this proceeding has been made and that the Commission has made and filed its report herein containing its findings of facts and conclusions thereon, which report is hereby referred to and made a part hereof;

It is ordered, That the petitions to allow the filing of late-tendered statements filed by the National Furniture Warehouseman's Association and Bekins Van Lines, Inc., on July 6, 1970, and July 29, 1970, respectively, be, and they are hereby, granted for the reasons set forth in the said report, and that the late-tendered statements be, and they are hereby, accepted for filing.

It is further ordered, That Part 1056 of Chapter X of Title 49 of the Code of Federal Regulations be, and it is hereby, modified by amending section 1056.10 and by adding regulations, as set forth below.

It is further ordered, That this order shall become effective on July 31, 1972, and shall remain in effect until modified or revoked in whole or in part by further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

(49 U.S.C. 301, 302, 304, and 308, 5 U.S.C. 553 and 559)

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

1. 49 CFR 1056.10 shall be revised to read as follows:

§ 1056.10 Receipt or bill of lading; information thereon.

(a) *Issuance of a receipt or bill of lading.* No such common carrier shall issue a receipt or bill of lading for household goods to be transported in interstate or foreign commerce prior to receiving such household goods for such transportation; but common carriers must issue such receipt or bill of lading when such household goods are received.

(b) *Information required on receipt or bill of lading.* Whenever a receipt or bill of lading is issued in compliance with paragraph (a) of this section, the carrier shall cause to be included therein the following information:

(1) The name and address of the motor carrier (not the agent's name and address) which will transport the shipment; if the shipment is to be interlined, the names and addresses of all connecting carriers which will transport the

shipment. All carriers that operate as agents and as independent certificated carriers shall be required to print in bold type upon all receipts or bills of lading the fact that they are not handling a shipment as an agent by use of the following phrase: Not as an Agent for -----

A listing of all principals currently associated with the independent carrier-agent shall be listed in the blank.

(2) The name, address, and telephone number of the office of the carrier issuing the receipt or bill of lading that should be contacted in relation to the shipment, should there be a need for such contact.

(3) The name, address, and telephone number of a person to whom notification provided for in § 1056.12(c) of the regulations in this part shall be given, except when this cannot be obtained from the shipper.

(4) The actual pickup date and the agreed delivery date or the agreed period of time within which delivery of the shipment is expected at destination. The agreed delivery date or the agreed period of time in which delivery is expected to be made shall conform to the order for service.

(5) The tare, gross, and net weights as required by § 1056.6(a) (1): *Provided, however,* That the tare weight shall be entered on the copy of the receipt or bill of lading given to the shipper with the tare weight ticket attached thereto before the vehicle onto which the shipment has been loaded is weighed to determine the gross weight of the vehicle and the net weight of the shipment. True copies of the gross weight tickets required by § 1056.6(b) shall be attached to the receipt or bill of lading as soon as such weight tickets are obtained, and if the shipper is present at the weighing, he shall then be given a copy of the gross weight ticket, otherwise, he shall be given a copy thereof at destination.

(6) The number of the vehicle onto which the shipment is loaded and the number of the vehicle-load manifest on which the bill of lading number is recorded as required by § 1056.6(a) (1).

(7) Amount of estimated charges and method of payment of total tariff charges.

(8) Maximum amount required to be paid in cash, certified check, or money order to relinquish possession of a c.o.d. shipment on which actual charges exceed estimated charges.

(9) Whether the shipper requests notification of actual charges and where such communication will be received. On the same line on which the tare weight is to be entered, there shall be printed the words, "Shipper: The tare weight of the vehicle must be entered on this line prior to loading your shipment on the vehicle." Across the bottom of the receipt or bill of lading, and copies thereof, there shall be printed in red letters not less than 1/8-inch high the words "Any motor carrier, or other person, or any officer, agent, employee, or representative thereof, who shall knowingly and willfully falsify, destroy, mutilate, or alter this receipt or bill of lading, shall be subject to a penalty of \$5,000 for each such offense. (Sec. 222; 49 U.S.C. 322.)"

2. The following sections shall be added to the Code of Federal Regulations.

§ 1056.19 Required filings relating to agency agreements.

(a) It shall be the responsibility of all principal carriers to file with the Commission a copy of all their active agency agreements. All agency agreements shall be in writing and signed by the agent or its representative. Such agreements will be made available by the Commission for public inspection. Agreements must conform to all Commission rules and regulations. Agreements currently in effect at the time this regulation becomes effective and conforming to the above-stated requirements must be filed on or before -----.

(b) It shall be the responsibility of all principal carriers to file with the Commission, along with the agreements required in paragraph (a) of this section, a statement that shall include the following:

(1) A description of the full scope of the agency or proposed agency;

(2) Evidence of the financial condition of the agent.

(3) A list of the agent's previous associations with other carriers for 3 years prior to the filing with explanations for the discontinuances of the relationships;

(4) A description of the agent's facilities and equipment;

(5) A description of the agent's Commission certificates, if any; and

(6) A statement whether the agent has been denied authority by the Commission within the 3 years prior to filing, and if so, the details shall be required.

(7) A definite plan of action designed to fully police the acts, policies, procedures, and practices of agents.

(c) It shall be the responsibility of all principal carriers promptly to notify the Commission of any agency termination, together with the reasons therefor, within 10 days after such termination.

§ 1056.20 Responsibilities and liabilities of principal carriers.

(a) Each principal carrier shall use due diligence and reasonable care in selecting and maintaining agents who are sufficiently knowledgeable fit, willing, and able to provide adequate moving services and to fulfill the obligations imposed upon them by the Commission and by their principal.

(b) Each principal carrier shall disclose to each of the prospective agents all relevant information relating to its operations, the operation of its other agents, and the relationship to be established between the principal and the prospective agent. This information shall be furnished, in a clear and permanent form, at the time contact is first established between the principal and the prospective agent.

(c) Principal carriers are absolutely responsible for all the acts or omissions of their agents which relate to the performance of interstate transportation held out in the name of the principal or where the shipper is misled to believe the transportation would be performed by the principal. (49 U.S.C. 301, 302, 304, and 308, 5 U.S.C. 553 and 559.)

[FR Doc.72-9454 Filed 6-21-72; 8:52 am]

# Proposed Rule Making

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

[ 25 CFR Part 5 ]

### RESERVATION ACCELERATION PROGRAM (RAP)

#### Notice of Proposed Rule Making

JUNE 14, 1972.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 F.R. 13938).

Notice is hereby given that it is proposed to add a new Part 5 to Subchapter A, Chapter I, Title 25 of the Code of Federal Regulations, as set forth below. These regulations are proposed pursuant to the authority contained in 5 U.S.C. 301.

The purpose of these regulations is to establish the Reservation Acceleration Program (RAP) to give federally recognized Indian tribes the opportunity to consult with Bureau of Indian Affairs' line officials on restructuring Bureau services to provide maximum support for the tribes' comprehensive development plans.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed regulations to the Commissioner, Bureau of Indian Affairs, 1951 Constitution Avenue NW., Washington, DC 20242, within 30 days after date of publication of this notice in the FEDERAL REGISTER.

LOUIS R. BRUCE,  
*Commissioner.*

### PART 5—RESERVATION ACCELERATION PROGRAM (RAP)

Sec.

- 5.1 Purpose.
- 5.2 Applicant eligibility.
- 5.3 Application submission and acceptance.
- 5.4 Implementation procedures.

**AUTHORITY:** The provisions of this Part 5 issued under 5 U.S.C. 301.

#### § 5.1 Purpose.

The regulations in this part govern the procedures by which Indian or Native Alaska communities may negotiate with the Bureau of Indian Affairs to restructure the Bureau's programs.

#### § 5.2 Applicant eligibility.

Applicant must be an Indian or Native Alaska community currently receiving services from the Bureau of Indian Affairs or an intertribal organization representing a group of such communities.

#### § 5.3 Application submission and acceptance.

(a) The governing body of the community or the intertribal organization making application must support participation in the Reservation Acceleration Program by a formal resolution. The resolution requesting participation in the program may be submitted at any time to the Commissioner of Indian Affairs.

(b) If the applicant is a community or communities served by a single Bureau of Indian Affairs Agency which serves no other communities, the Commissioner of Indian Affairs will, within 30 days after the date the application is received, inform the applicant of the date when negotiations may begin. In other cases, the Commissioner will direct members of his staff to meet with the applicant to develop special procedures that are acceptable both to the Commissioner and to the applicant. As soon as such procedures are accepted, a date for the start of negotiations will be announced.

#### § 5.4 Implementation procedures.

(a) Leaders of communities selected to participate in the program will meet with the staff of the Bureau of Indian Affairs Agency that serves their communities to familiarize themselves with all aspects of the current Bureau program in their locality. The governing body will then prepare recommendations for changes in the Bureau program that it feels will support the comprehensive development plans of the community. These recommendations will be discussed with the Agency staff to determine if the Superintendent has the authority to implement them. When agreement is reached on those recommendations which are within the Superintendent's authority, he will implement them providing the changes proposed will not adversely affect services to other communities. All RAP recommendations will be forwarded to the area office.

(b) The same procedures described for negotiations at the Agency level will also apply at the area office level. In addition, when a community indicates it would be willing to exchange Bureau funds or staff in a single activity for funds or staff of another activity, the Area Director will be responsible for contacting other communities within his service area to inform them of the offer. When such an exchange is agreed to by all parties, the Area Director will implement it. Other recommendations that are within his authority and on which agreement is reached will also be implemented immediately by the Area Director.

(c) All RAP recommendations will then be forwarded to the Central Office where the negotiation process will be repeated. The Commission will be responsible for contacting other area offices to facilitate program exchanges that could not be made within a single area.

(d) Upon completion of the Central Office negotiations, the agreement will be signed by the tribal leader, the Superintendent, the Area Director and the Commissioner of Indian Affairs.

(e) The Area Director will be responsible for making any changes in the staffing or program of the area office that are necessary to implement the agreement.

[FR Doc.72-9374 Filed 6-21-72;8:45 am]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[ 7 CFR Part 948 ]

### IRISH POTATOES GROWN IN COLORADO IN AREA 3

#### Proposed Expenses and Rate of Assessment

Consideration is being given to the approval of the expenses and rate of assessment, hereinafter set forth, which were recommended by the Area Committee for Area No. 3 established pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948).

This marketing order program regulates the handling of Irish potatoes grown in the State of Colorado and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same in quadruplicate with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 15th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposals are as follows:

#### § 948.267 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Area Committee for Area No. 3 to enable such committee to perform its functions, pursuant to the provisions of Marketing Agreement No. 97, as amended, and this part, during the fiscal period ending June 30, 1973, will amount to \$3,424.00.

(b) The rate of assessment to be paid by each handler pursuant to Marketing Agreement No. 97, as amended, and this part, shall be \$0.00685 per hundredweight of potatoes grown in Area No. 3 handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending

June 30, 1973, may be carried over as a reserve.

(d) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

Dated: June 19, 1972.

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

[FR Doc. 72-9441 Filed 6-21-72; 8:51 am]

**DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE**

Food and Drug Administration

[ 21 CFR Parts 1, 102 ]

**NONSTANDARDIZED FOODS**

**Proposed Common or Usual Names**

Section 403(i) of the Federal Food, Drug, and Cosmetic Act requires a non-standardized food to bear on its label the common or usual name of the food. Section 403(i) of the act also requires that, in the case of a nonstandardized food fabricated from two or more ingredients, the label shall bear the common or usual name of each such ingredient.

The act does not specifically require the disclosure of the percentage of each ingredient shown on the label. Pursuant to the prohibition against misleading labeling in sections 201(n) and 403(a) of the act, however, the Food and Drug Administration has required under § 1.10(d) (21 CFR 1.10(d)) that, where the proportion of an expensive ingredient has a material bearing upon price or consumer acceptance, the label of a food shall bear a quantitative statement of the ingredient if the label would otherwise create the erroneous impression that the ingredient was present in an amount greater than is actually the case.

The White House Conference of Food, Nutrition, and Health strongly supported more informative food labeling for consumers. The Conference recommended existing law to establish, by regulation, a uniform common or usual name that would accurately reflect the reasonable expectations of consumers. It further recommended that the amount of a characterizing ingredient, if any, should be represented on the label in percentage form or by some other accepted uniform method meaningful to the consumer, except where it would be irrelevant to the value of the product or misleading to consumers. The Commissioner agrees with both of these recommendations and proposes to implement them.

In pursuing these objectives, two approaches are available. On some occasions, the common or usual name has been determined by regulation through the establishment of a standard of identity under section 401 of the act. These standards have been promulgated with or without an accompanying standard of quality and standard of fill of con-

tainer. Where appropriate, the declaration of the percentage of any characterizing ingredient may be required as part of the name; this was the case with diluted orange juice beverages (37 F.R. 5224).

On other occasions, the common or usual name of the product or a requirement for percentage labeling of an ingredient has been determined by rule making under the general provisions of sections 201(n), 403 (a) and (b), and 701(a) of the act. For example, the name "Greenland turbot" is established in § 3.70 (21 CFR 3.70), and the amount of olive oil in a mixed oil is required to be declared under § 1.10(d) (21 CFR 1.10(d)).

In the future, the Commissioner proposes to continue to utilize both of these alternative methods for determining the common or usual name of a food including the percentage labeling of characterizing ingredients. Procedures already exist under which the Commissioner, on his own initiative or on the petition of an interested person, may propose and promulgate a standard of identity under section 401 of the act. No similar procedure now exists for proposing the establishment of a common or usual name of a food. To allow for the establishment of such names, the Commissioner proposes to establish the procedures set forth below.

The first fabricated foods for which the Commissioner proposes to establish a common or usual name which includes a percentage of the valuable characterizing ingredient(s) are seafood cocktails comprised of two or more seafood constituents and those cocktails with one seafood constituent such as shrimp cocktail, crabmeat cocktail, etc. This proposal is prompted by complaints from consumers concerning both the amount of seafood present in such cocktails and the use of labeling which suggests a greater proportion of seafood than is actually present. The proposal is further made necessary by the fact that the proportion of the seafood in such cocktails has a material bearing on price and consumer acceptance within the meaning of § 1.10(d) (21 CFR 1.10(d)). The Commissioner concludes that for purposes of this proposal it is not necessary to establish standards of identity, quality, or fill of container for the products in question.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 403 (a), (b), (i), 701(a), 52 Stat. 1041, 1047-48, 1055; 21 U.S.C. 321(n), 343 (a), (b), (i), 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend Chapter I:

**PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT**

1. In Part 1 by adding a new sentence to the end of paragraph (d) in § 1.10, as follows:

**§ 1.10 Food; labeling; designation of ingredients.**

(d) \* \* \* A label may be required to bear the percentage(s) of a characterizing ingredient(s) as part of the common or usual name of the food pursuant to Part 102 of this chapter.

**PART 102—COMMON OR USUAL NAMES FOR NONSTANDARDIZED FOODS**

2. By adding a new Part 102 which would consist initially of the following two subparts and sections:

**Subpart A—General**

**§ 102.1 General principles.**

General principles governing the establishment of a common or usual name for a food under Subpart B of this part are as follows:

(a) The common or usual name of a food, which may be a coined term, shall accurately identify or describe, in as simple and direct terms as possible, the basic nature of the food or its characterizing properties or ingredients. The name may not be false or misleading in any particular. The name shall be uniform among all identical or similar products and may not be confusingly similar to the name of any other food that is not reasonably encompassed within the same name. Each category of food shall be given its own common or usual name that states, in clear affirmative terms, what it is in a way that distinguishes it from different foods.

(b) The common or usual name of a food shall include the percentage(s) of any characterizing ingredient(s) when the proportion of such ingredient(s) present in the food has a material bearing on price or consumer acceptance or when the label or the appearance of the food may otherwise create an erroneous impression that such ingredient(s) is present in an amount greater than is actually the case. In such situations the percentage of each such characterizing ingredient shall be declared by the words "containing ----- percent -----" with the first blank filled in with the percentage expressed to the nearest whole percent unless otherwise provided in Subpart B of this part, and the second blank filled in with the common or usual name of the ingredient as specified in Subpart B. The word "containing" may be on the line below that part of the common or usual name of the food established in accordance with paragraph (a) of this section. The words "----- percent -----" shall appear in a line directly below the word "containing," in easily legible bold face print or type in distinct contrast to other printed or graphic matter, and in a height not less than the larger of the following alternatives:

(1) Not less than one-sixteenth inch in height on packages having a principal display panel with an area of 5 square

inches or less and not less than one-eighth inch in height if the area of the principal display panel is greater than 5 square inches; or

(2) Not less than one-half the height of the largest type appearing in the common or usual name of the food.

(c) Regulations under Subpart B of this part may be proposed or amended by the Commissioner of Food and Drugs either on his own initiative or on behalf of other interested persons who have submitted a petition. Any such petition must include a proposed regulation for a food together with an adequate factual basis to support the petition in the form set forth in § 2.65 of this chapter and will be published for comment if it contains reasonable grounds for the proposed regulation.

#### Subpart B—Common or Usual Name for Foods

##### § 102.20 Seafood cocktails; label statements.

Seafood cocktails in package form fabricated with a single seafood ingredient or with multiple seafood ingredients shall bear a common or usual name which shall include:

(a) When the cocktail contains only one seafood ingredient, the characterizing seafood ingredient, i.e. Shrimp Cocktail, Crabmeat Cocktail, etc.; or

(b) When the cocktail contains multiple seafood ingredients, the term Seafood Cocktail; and

(c) A statement of the percentage by weight of each characterizing seafood ingredient in the manner set forth in § 102.1(b).

(Secs. 201(n), 403 (a), (b), (l), 701(a), 52 Stat. 1041, 1047-48, 1056; 21 U.S.C. 321(n), 343 (a), (b), (l), 371(a))

Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: June 12, 1972.

CHARLES C. EDWARDS,

Commissioner of Food and Drugs.

[FR Doc. 72-9296 Filed 6-21-72; 8:45 am]

## FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Part 73 ]

[ Docket No. 19524; FCC 72-513 ]

### FM BROADCAST STATIONS, TABLE OF ASSIGNMENTS FOR TERRELL HILLS, TEX.

#### Notice of Proposed Rule Making

In the Matter of amendment of § 73.202 (b), table of assignments, FM Broadcast Stations (Terrell Hills, Tex.).

1. Notice of proposed rule making is hereby given in the above-entitled matter.

2. In a memorandum opinion and order adopted today (FCC 72-512), the Commission rescinded its action of February 23, 1972<sup>1</sup> deleting FM Channel 292A, Terrell Hills, Tex., from the FM table of assignments in order to eliminate the short separation between it and a co-channel assignment at Gonzales, Tex. This action was taken, upon reconsideration, at the request of two petitioners<sup>2</sup> upon determining that there is an area approximately 8 miles west of Terrell Hills where a transmitter for a Terrell Hills 292A operation could be located consistent with all separation and city service requirements of the rules and that it is therefore possible to resolve the short spacing problem between the Terrell Hills and Gonzales 292A assignments by judicious site selection for a Terrell Hills operation. In this circumstance, we decided that the short spacing problem did not warrant deleting the Terrell Hills assignment without rule making. We were not, however, satisfied that Channel 292A is an otherwise technically desirable or needed assignment at Terrell Hills and decided that the question of whether Channel 292A should be retained at Terrell Hills or deleted and reassigned to fill a present or future need for FM service elsewhere warranted further consideration in rule making. This proceeding has been instituted for that purpose.

3. Terrell Hills (1970 population, 5,225) is an incorporated city located within the corporate limits of San Antonio, Tex. (1970 population 654,153) and within the San Antonio urbanized area (Bexar County) which had a 1970 population of 830,460. Its one FM assignment, Channel 292A, has been occupied by Station KBUC-FM since 1967 but will soon be vacant since Station KBUC-FM is changing over to operation on the San Antonio Channel 298C assignment, pursuant to authorization granted its licensee, Turner Broadcasting Corporation, on November 10, 1971.<sup>3</sup> Terrell Hills

<sup>1</sup> Memorandum opinion and order, released February 28, 1972 (FCC 72-180).

<sup>2</sup> The petitioners were S.S.S. Broadcasting, Inc., licensee of Station KAPE(AM), San Antonio, Tex., and Terrell Hills Broadcasting Co., both prospective applicants for Channel 292A at Terrell Hills. Prior to our action deleting the Terrell Hills assignment, Terrell Hills Broadcasting Co. tendered an application on December 8, 1971, for the channel which was not accepted for filing because of a spacing deficiency. Another application, tendered on August 19, 1971, by National Enterprises, Inc., for use of Channel 292A at Alamo Heights, which, like Terrell Hills, is an incorporated city within the corporate boundaries of San Antonio, was also not accepted for filing because of a spacing deficiency.

<sup>3</sup> BPH-6285, granted November 10, 1971, after hearing (decision adopted July 20, 1971, Docket No. 18239, FCC 71R-230, 31 FCC 2d 162; stayed by order, adopted August 31, 1971, FCC 71-890; stay dissolved by further order, adopted November 10, 1971, FCC 71-1150). Station KBUC-FM is continuing operation on the Terrell Hills Channel 292A assignment pending its changeover to operation on Channel 298C, the construction permit for which expires on November 10, 1972.

will not be without FM service, however, for it will continue to be served by Station KBUC-FM operating on the San Antonio Class C assignment and receives a variety of local services from the other nine San Antonio stations (one educational) which serve the San Antonio area. AM radio service is also available at Terrell Hills from 11 local AM stations serving the San Antonio area.

4. Due to the size of San Antonio and its urbanized area, of which Terrell Hills is a part, aside from Channel 292A, only Class C channels, designed for wide area coverage, have been assigned to this area. Unlike Class C channels, Class A channels are designed for limited coverage. Consequently, if Channel 292A is retained at Terrell Hills, it would be technically inferior to all other FM assignments in the San Antonio area and could not be used to provide a service which would be technically comparable to that which all the other local stations in the San Antonio area can provide.

5. With the San Antonio FM services available to it, we believe it highly questionable whether Terrell Hills itself has any need for a local FM outlet to serve any needs of that community distinct from those of the San Antonio area in general, especially in view of the conclusions reached by the examiner in the comparative hearing case for the San Antonio Channel 298C assignment, Turner Broadcasting Corp., 31 FCC 2d 165 (1969). He stated in this regard, as follows (31 FCC 2d 184):

Based on the record as a whole, it is concluded that Terrell Hills is realistically a residential enclave wholly within the city limits of San Antonio which shares the needs, interests, social, civic, and recreational facilities of San Antonio generally; and is in large degree dependent on San Antonio for governmental services. The extent to which the record shows Terrell Hills to be distinctive rests in the higher economic position and educational achievements of its residents. Stated simply, it is one of the better residential areas of the community and nothing more, with the broadcast stations there assigned being dependent on San Antonio and its metropolitan area for existence.

6. Since we have already assigned 10 Class C channels (one educational) to serve the San Antonio area, all occupied by existing stations, except Channel 298C which will soon be activated by the former Channel 292A Terrell Hills licensee, we also believe it questionable whether there is any justifiable need or other reason for retaining Channel 292A at Terrell Hills to provide another local FM service in the San Antonio urbanized area which would be technically inferior for serving and competing with other stations in the area. While S.S.S. Broadcasting contended in its petition for reconsideration of our action deleting the Terrell Hills assignment that the black community in the San Antonio area has needs for radio service, particularly nighttime service, oriented to its needs and interests which are not now being adequately satisfied by the local stations in the San Antonio area, and letters and petitions submitted from local residents support its view, we are not convinced that retaining Channel 292A at Terrell

Hills, or reassigning it to San Antonio, as suggested, is a desirable or needed solution to the problem. This Class A channel cannot be assigned at San Antonio since a Class A channel could not provide the requisite 70 dBu signal over the entire city of San Antonio, as required by § 73.315(a) of the rules. If retained and used at required spacings at Terrell Hills, where it appears that less than 150 of the black community in the San Antonio urbanized area reside, only a technically inferior grade of service could be provided throughout other portions of the San Antonio urbanized area where the majority of the black community reside. Further, it would appear that sufficient channels have been provided and stations have been assigned so that any significant programming needs of the black community, as well as all other important minority and other groups, can be satisfied and existing deficiencies in this regard corrected by the existing stations.

7. We think it may be better policy and in the public interest to reassign this Class A channel to fill a present or future need for FM service in unserved or underserved areas outside the San Antonio urbanized area. For example, there are a number of Texas communities within a radius of 40 miles, and 40 to 65 miles, from San Antonio, and outside the San Antonio urbanized area, such as Poteet and Pleasanton, to the south, and Boerne, Jourandton, Charlotte, Kerrville, Fredericksburg, and Blanco, to the northwest, where Channel 292A could be assigned and used at required spacings if not retained at Terrell Hills. It would be helpful in reaching a decision to have comments and proposals in this regard.

8. In view of the foregoing, we propose, for consideration, the revision of the FM table of assignments, § 73.202(b) of the rules, by deleting Channel 292A from Terrell Hills, Tex. We also propose to

consider revision of the table to reassign Channel 292A to a community outside the San Antonio urbanized area.

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

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

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

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

11. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before July 28, 1972, and reply comments on or before August 8, 1972. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

12. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

13. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Refer-

ence Room at its Headquarters in Washington, D.C. (1919 M Street NW.).

Adopted: June 14, 1972.

Released: June 16, 1972.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>4</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[FR Doc.72-9417 Filed 6-21-72;8:59 am]

## FEDERAL MARITIME COMMISSION

[ 46 CFR Part 536 ]

[Docket No. 72-19]

### FILING OF TARIFFS BY COMMON CARRIERS BY WATER IN THE FOREIGN COMMERCE OF THE UNITED STATES AND BY CONFERENCES OF SUCH CARRIERS

#### Proposed Requirements; Enlargement of Time for Filing Comments

The Commission's notice of proposed rule making in this proceeding was published in the FEDERAL REGISTER May 20, 1972 (37 F.R. 10389). Upon request of interested persons, and good cause appearing, time within which comments may be filed in response to the notice of proposed rule making is enlarged to and including September 15, 1972. Comments should be submitted in an original with 15 copies.

Time within which Hearing Counsel's reply to comments may be filed is enlarged to and including October 13, 1972. Answers to Hearing Counsel's reply shall be submitted on or before November 3, 1972.

By the Commission.

[SEAL] FRANCIS C. HURNEY,  
Secretary.

[FR Doc.72-9448 Filed 6-21-72;8:52 am]

<sup>4</sup> Commissioner H. Rex Lee absent.

# Notices

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Colorado 16211]

#### COLORADO

### Notice of Proposed Withdrawal and Reservation of Lands

JUNE 15, 1972.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. C-16211, 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 campgrounds, recreational developments, and a scenic overlook.

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

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

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

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

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

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN

WHITE RIVER NATIONAL FOREST

*Eagle Park Campground*

T. 7 S., R. 80 W.,

Sec. 22, lots 5, 6, 7, E $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ .

#### *Yeoman Park Campground*

T. 6 S., R. 83 W.,

Sec. 26, W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 27, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ .

#### *Deep Creek Overlook*

T. 4 S., R. 87 W.,

Sec. 19, S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$

SE $\frac{1}{4}$ ;

Sec. 20, S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ .

#### *Trappers Lake Recreation Area*

T. 1 S., R. 88 W. (Protraction Diagram No. 3, dated 10/10/61),

Secs. 2, 3, 10, and 11: Beginning at a point from which the outlet of Trappers Lake bears S. 44° W., 8 chains, thence due N. 22 chains to a point on the north line of sec. 2 (Protracted); thence due W. 20 chains; thence due S. 22 chains; thence due W. 50 chains; thence due S. 60 chains; thence due W. 10 chains; thence due S. 40 chains; thence due E. 60 chains; thence due S. 20 chains; thence due E. 40 chains; thence due N. 120 chains; thence due W. 20 chains to the point of beginning.

#### *Heart Lake Recreation Area Addition*

T. 3 S., R. 88 W.,

Sec. 30, NE $\frac{1}{4}$ SW $\frac{1}{4}$ .

T. 3 S., R. 89 W.,

Sec. 25, N $\frac{1}{2}$ SW $\frac{1}{4}$ .

#### *Marvine Creek Campground*

T. 1 N., R. 89 W. (Protraction Diagram No. 3, dated 10/10/61),

Sec. 31, Beginning at the E $\frac{1}{2}$  Corner of Sec. 36, T. 1 N., R. 90 W., 6th P.M., thence N. 15 chains; thence E. 10 chains; thence S. 30 chains; thence W. 10 chains; thence N. 15 chains to the point of beginning.

T. 1 N., R. 90 W.,

Sec. 36, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ .

The areas described aggregate approximately 1474.66 acres.

J. ELLIOTT HALL,  
Chief,

Division of Technical Services.

[FR Doc.72-9415 Filed 6-21-72; 8:59 am]

## DEPARTMENT OF AGRICULTURE

### Rural Electrification Administration

### ASSOCIATED ELECTRIC COOPERATIVE, INC., SPRINGFIELD, MO.

#### Final Environmental Statement

Notice is hereby given that the Rural Electrification Administration has prepared a final environmental statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with loan applications from 43 distribution cooperatives supplied by Associated Electric Cooperative, Inc., of Springfield, Mo., through six member G&T systems. These loan applications, together with funds from other sources, include financing for a 345 kV transmission line from Dixon, Mo., to

the Missouri-Kansas State line, and one 345/161 kV substation. Financing involves Associated's subsidiary, Federated Electric Cooperative, Inc.

Additional information may be secured on request, submitted to Mr. James N. Myers, Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. The final environmental statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C., Room 4322 or at the borrower address indicated above.

Final REA action with respect to this matter (including any release of funds) may be taken after thirty (30) days, but only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 19th day of June 1972.

DAVID A. HAMIL,  
Administrator,  
Rural Electrification Administration.

[FR Doc.72-9442 Filed 6-21-72; 8:51 am]

## DEPARTMENT OF COMMERCE

### Office of Import Programs

### AMERICAN NATIONAL RED CROSS

### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00268-01-07520. Applicant: American National Red Cross, Blood Research Laboratory, 9312 Old Georgetown Road, Bethesda, MD 20014. Article: Microcalorimeter. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for the measurement of heat changes in a number of processes related to the biochemistry and physiology of blood. These include:

(1) Determination of energy changes during the reaction of platelets with a

variety of agents important in adhesion and aggregation and the measurement of the effect of pharmacological inhibitors.

(2) Energy changes involved in the effect of various reagents and procedures on red cells from patients suffering from sickle cell anemia.

(3) Enthalpy changes involved in additives of interest in the freezing-preservation of red cells and platelets and their applicability to the freezing-preservation of intact organs.

(4) Thermodynamics of antibody reactions with red cell antigens.

(5) Thermodynamics of metal binding and aggregation-disaggregation phenomenon in the urinary glycoprotein derived from renal tubules.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a sensitivity of 0.1 microcalorie. We are advised by the Department of Health, Education, and Welfare (HEW) in its memo dated May 19, 1972, that the best sensitivity available is pertinent to the applicant's studies of human blood. HEW further advises that it knows of no domestic instrument which matches the sensitivity of the article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,  
Director,  
Office of Import Programs.

[FR Doc.72-9401 Filed 6-21-72;8:47 am]

### ARGONNE NATIONAL LABORATORY Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00408-75-88600. Applicant: Argonne National Laboratory, 9700 South Cass Avenue, Argonne, IL 60439. Article: Shielding windows. Manufacturer: Schott Optical Glass, Inc., West Germany.

Intended use of article: The article will be used to provide shielded cells and support facilities for examination of radioactive nuclear materials. The

shielding window viewing glass blocks will be used in window assemblies which provide shielding and particulate containment protection for personnel who are engaged in the examination of irradiated reactor fuels and irradiated materials from reactors and reactor loops. The materials to be studied include uranium and plutonium as well as metals and metal alloys used in the fabrication of reactor fuel.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The National Bureau of Standards (NBS) advises in its memorandum dated May 12, 1972, that shielding glass which will not discharge spontaneously and which will not be discharged by a bruising impact administered 10 to 20 minutes after ceasing radiation at an exposure of  $4 \times 10^4$  Roentgens per hour is pertinent to the applicant's research studies. The foreign article satisfies this pertinent specification. NBS further advises that it knows of no domestically manufactured item capable of satisfying this pertinent specification.

SETH M. BODNER,  
Director,  
Office of Import Programs.

[FR Doc.72-9406 Filed 6-21-72;8:48 am]

### FERRIS STATE COLLEGE

#### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00186-99-37450. Applicant: Ferris State College, 901 South State Street, Big Rapids, MI 49307. Article: Hydraulic apparatus. Manufacturer: Armfield Engineering, Ltd., United Kingdom.

Intended use of article: The article is to be used in the instruction of hydrology courses for the following curriculums; Civil Technology, Surveying, Building Construction, and Environmental Health.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article consists of apparatus designed to permit a variety of demonstrations in the field of hydrology. We are advised by the National Bureau of Standards (NBS) in its memorandum dated May 19, 1972, that the availability of such apparatus is pertinent to the applicant's intended purposes. NBS further advises that it knows of no domestically manufactured instruments scientifically equivalent to the foreign article for the applicant's intended use.

SETH M. BODNER,  
Director,  
Office of Import Programs.

[FR Doc.72-9403 Filed 6-21-72;8:47 am]

### HARVARD UNIVERSITY

#### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00266-33-43400. Applicant: Harvard University, Purchasing Department, 75 Mount Auburn Street, Cambridge, MA 02138. Article: Micro-manipulator. Manufacturer: AB Transvertex, Sweden.

Intended use of article: The article is intended to be used in experiments on the central nervous system of the cat to investigate the anatomical and physiological properties of single nerve cells in the visual cortex, a region of the brain that is concerned with the processing of visual information. The article will be used in these experiments to hold the microelectrode and advance it into the brain thus permitting rapid and precisely controlled movements of the microelectrode as it approaches and penetrates the nerve cells.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the capability to advance electrodes in short abrupt steps in a precise manner. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated May 19, 1972, that the capability described above is pertinent to the applicant's research studies. HEW further advises that it knows of no comparable apparatus being manufactured in the United States which

provides the precise mode of advance required to accomplish the applicant's objectives.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,  
Director,

Office of Import Programs.

[FR Doc.72-9407 Filed 6-21-72; 8:48 am]

#### MARTIN LUTHER KING, JR. GENERAL HOSPITAL ET AL.

##### Notice of Consolidated Decision on Applications for Duty-Free Entry of Ultramicrotomes

The following is a consolidated decision on applications for duty-free entry of ultramicrotomes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.). (See especially section 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00280-33-46500. Applicant: Martin Luther King, Jr. General Hospital, 12021 South Wilmington Avenue, Los Angeles, CA 90059. Article: Ultramicrotome, LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of Article: The article is intended to be used in investigations of ultramicroscopic features of cancer in human tissue, inflammatory changes in human kidney tissue, and the ultramicroscopic features of human tissue in sickle cell anemia. The article will also be used in training resident physicians in the specialty of pathology which will include complete instruction in techniques of electron microscopy and ultrastructural histopathology techniques. Application received by Commissioner of Customs: December 10, 1971. Advice submitted by Department of Health, Education, and Welfare on: May 30, 1972.

Docket No. 72-00284-33-46500. Applicant: The University of Texas Medical School, 102 Jesse Jones Library, Texas Medical Center, Houston, TX 77025. Article: Ultramicrotome, LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in investigations to reveal the following:

- (1) The bases for formation and storage of neurotransmitters in the nervous system at the ultrastructural level;
- (2) The structural bases for reception, transduction and transmission of stimuli from the environment; and
- (3) The ultrastructure of myelin in normal and pathologic conditions.

Application received by Commissioner of Customs: December 13, 1971. Advice submitted by Department of Health, Education, and Welfare on: May 30, 1972.

Docket No. 72-00293-33-46500. Applicant: Veterans Administration Hospital, 800 Stadium Road, Columbia, MO 65201. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for three dimensional sectioning of human bone marrow and soft tissue tumors in connection with diagnosis and therapy of selected human neoplasms. The article will also be used in the training of physicians for specialties in laboratory medicine including interpretation and preparation of material for electron microscopy. Application received by Commissioner of Customs: December 23, 1971. Advice submitted by Department of Health, Education, and Welfare on: May 30, 1972.

Docket No. 72-00296-33-46500. Applicant: Tufts University School of Medicine, 136 Harrison Avenue, Boston, MA 02111. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for thick and thin sectioning of biological materials (animal and human tissues) to be examined from a histochemical and morphological view. Application received by Commissioner of Customs: December 28, 1971. Advice submitted by Department of Health, Education, and Welfare on: May 30, 1972.

Docket No. 72-00297-33-46500. Applicant: University of Pittsburgh School of Medicine, Department of Pathology, Eye Pathology Laboratory, Eye and Ear Hospital, 230 Lothrop Street, Pittsburgh, PA 15213. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for the ultrastructural investigation of a variety of ocular diseases especially those changes involving the trabecular meshwork, cornea and retina. Application received by Commissioner of Customs: December 28, 1971. Advice submitted by Department of Health, Education, and Welfare on: May 30, 1972.

Comments: No comments have been received with respect to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as these articles are intended to be used, is being manufactured in the United States.

Reasons: Each of the foreign articles provides a range of cutting speeds from 0.1 to 20 millimeters per second. The most closely comparable domestic instrument is the Model MT-2B ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Model MT-2B has a range of cutting speeds from 0.09 to 3.2 millimeters per second. The conditions for obtaining high-quality sections that are uniform in thickness, depend to a large extent on the hardness, consistency, toughness and other properties of the specimen materials, the

properties of the embedding materials, and geometry of the block. In connection with a prior application (Docket No. 69-00665-33-46500), which relates to the duty-free entry of an article that is identical to those to which the foregoing applications relate, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned.

The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior application (Docket No. 70-00077-33-46500) which also relates to an article that is identical to those described above, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that the "production of ultrathin serial sections of specimens that have a great variation in physical properties is very difficult." Accordingly, HEW advises in its respectively cited memoranda, that cutting speeds in excess of 4 millimeters per second are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments. For these reasons, we find that the Sorvall Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

SETH M. BODNER,  
Director,

Office of Import Programs.

[FR Doc.72-9411 Filed 6-21-72; 8:48 am]

#### MONROE COMMUNITY COLLEGE

##### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00610-40-30600. Applicant: Monroe Community College, 1000

East Henrietta Road, Rochester, NY 14623. Article: Fluid mechanics apparatus. Manufacturer: Armfield Engineering Ltd., United Kingdom. Intended use of article: The article will be used to demonstrate flow fluid mechanics principles including cavitation to students.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is designed to permit a variety of demonstrations in the field of fluid mechanics. We are advised by the National Bureau of Standards (NBS) in its memorandum dated May 12, 1972, that the availability of such apparatus is pertinent to the applicant's intended purposes. NBS further advises that it knows of no domestically manufactured instruments scientifically equivalent to the foreign article for the applicant intended use.

SETH M. BODNER,  
Director,  
Office of Import Programs.

[FR Doc.72-9405 Filed 6-21-72; 8:48 am]

#### NATIONAL HEART AND LUNG INSTITUTE

##### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00412-33-46040. Applicant: National Heart and Lung Institute, Laboratory of Biochemical Genetics, Building 10, Room 6D18, National Institutes of Health, Bethesda, Md. 20014. Article: Electron microscope, Model HU-12. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article is intended to be used in studies on the neuronal properties of cultural neuroblastoma cell clones. This research will involve the following aspects:

- (1) Comparing the ultrastructure of various clones and of somatic cell hybrids whose biochemical characteristics are being studied.
- (2) Study of interactions between neuroblastoma cells and between such cells and muscle cells.
- (3) Characterization of fibrous organelles and proteins isolated from the neuroblastoma cells, including comparison of these with brain cell counterparts.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant's research studies which involve the characterization of fibrous organelles and proteins isolated from neuroblastoma cells, including comparison of these with brain cell counterparts, will require and can utilize the best resolution available. Resolution, then, is a pertinent specification within the meaning of § 701.2 (n) of the regulations. Resolution bears an inverse relationship to its numerical rating in angstrom units (Å), i.e., the lower the rating, the better the resolution. The foreign article has a guaranteed resolution of 3Å. The most closely comparable domestic instrument is the Model EMU-4C electron microscope manufactured by the Forgflo Corp. The Model EMU-4C has a guaranteed resolution of 5Å. We, therefore, find that the EMU-4C is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,  
Director,  
Office of Import Programs.

[FR Doc.72-9409 Filed 6-21-72; 8:48 am]

#### NATIONAL INSTITUTES OF HEALTH

##### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00344-33-46040. Applicant: National Institutes of Health, NAID/LVD, 9000 Rockville Pike, Bethesda, MD 20014. Article: Electron microscope, Model JEM 100B. Manufacturer: JEOL, Ltd., Japan. Intended use of article: The article is intended to be used for research aimed at a better understanding of multivirus (virus-helper virus)-host cell interaction of the adenovirus associated viruses, as well as other members of the parvovirus group. Further, studies of the nucleic acids by electron microscopy of these viruses as well as other viruses such as the adeno-SV40 hybrids and members of the leucosis group, will also be con-

ducted. Studies already in progress on the polypeptides of these viruses will be subjected to further study in the electron microscope from ultrastructural and immunological aspects.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant's research studies require the best available resolution as well as a tilt stage which provides the best available resolution in operation. Therefore, these specifications are pertinent within the meaning of § 701.2(n) of the regulations. Resolution bears an inverse relationship to its numerical rating in Angstrom units (Å), i.e., the lower the rating, the better the resolution. The foreign article has a guaranteed resolution of 3 Å and is equipped with a tilting stage having a guaranteed resolution of 5 Å. The most closely comparable domestic instrument is the Model EMU-4C electron microscope manufactured by the Forgflo Corp. The Model EMU-4C has a guaranteed resolution of 5 Å and can be equipped with a tilt stage having a guaranteed resolution of 8 Å. We, therefore, find that the EMU-4C is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,  
Director,  
Office of Import Programs.

[FR Doc.72-9410 Filed 6-21-72; 8:48 am]

#### SOUTHERN ILLINOIS UNIVERSITY

##### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00624-40-30600. Applicant: Southern Illinois University, Carbondale, Ill. 62901. Article: Fluid mechanics apparatus. Manufacturer: Armfield Engineering Ltd., United Kingdom.

Intended use of article: The article will be used in the course Intermediate Mechanics of Fluids (Engr 413 A&B (3.3)) to expand and add to the subject matter presented at the elementary level in the core program (Engr 313 A&B) and thus bring the student's level of understanding of the fundamentals to a degree which would enable him to approach with confidence diverse problems involving fluid mechanics.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is designed to permit a variety of demonstrations in the field of fluid mechanics. We are advised by the National Bureau of Standards (NBS) in its memorandum dated May 19, 1972, that the availability of such apparatus is pertinent to the applicant's intended purposes. NBS further advises that it knows of no domestically manufactured instruments scientifically equivalent to the foreign article for the applicant's intended use.

SETH M. BODNER,  
Director,  
Office of Import Programs.

[FR Doc.72-9404 Filed 6-21-72; 8:48 am]

#### UNIVERSITY OF CHICAGO

##### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00400-98-34040. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, IL 60439. Article: Carcinotron, Model CO40B. Manufacturer: Compagnie Generale de Sans Fil, France. Intended use of article: The article is intended to be used in the proton polarized target facilities which are used to conduct high physics research on the scattering produced by high energy K's and Pi's, etc. on a proton polarized target, i.e., material which has a large fraction of its protons pointing in the same direction.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a 70 gigahertz (GHz) source with a power output of 5 volts. We are advised by the National Bureau of Standards (NBS) in its memorandum dated May 12, 1972, that the capability described above is pertinent to the applicant's intended use. NBS also advises that it knows of no domestically manufactured instrument which is scientifically equivalent to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,  
Director,  
Office of Import Programs.

[FR Doc.72-9402 Filed 6-21-72; 8:47 am]

#### UNIVERSITY OF LOUISVILLE SCHOOL OF MEDICINE ET AL.

##### Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00275-33-46040. Applicant: University of Louisville School of Medicine, 301 East Walnut Street, Louisville, KY 40202. Article: Electron microscope, EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in studies of biological tissues both human and animal. Experiments to be pursued will center around:

- Normal and pathological human ocular and animal tissues;
- Ocular animal tissue with regard to immune mechanisms;
- Reaction of tissues to specific experimental disease states—specifically diabetes;
- Animal ocular tissue reactions to physical modalities;
- Ocular changes in eye bank eyes from such disorders as tumors, glaucoma, etc.;
- Ocular genetic disease states; and
- Other studies as indicated resulting from findings in above research projects.

The article will also be used for the teaching of senior medical students and resident physicians in the specialty of ophthalmology. Application received by

Commissioner of Customs: December 10, 1971. Advice submitted by Department of Health, Education, and Welfare on May 30, 1972.

Docket No. 72-00286-33-46040. Applicant: Canisius College, 2001 Main Street, Buffalo, NY 14208. Article: Electron microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in studies of reproductive cells and tissues in which these are stored and transported. Specifically, the developing sperm of the amphibian, insects, and decapod crustacea. The article will also be used by students in research in developmental biology. Application received by Commissioner of Customs: December 14, 1971. Advice submitted by Department of Health, Education, and Welfare on May 30, 1972.

Comments: No comments have been received with respect to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States.

Reasons: Each applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. Each of the foreign articles to which the foregoing applications relate is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programming. The most closely comparable domestic instrument is the Model EMU-4C electron microscope which is a relatively complex instrument designed primarily for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare in its respectively cited memoranda, that the relative simplicity of design and ease of operation of the foreign articles described above are pertinent to the applicants' educational purposes. We, therefore, find that the Forgglo Model EMU-4C electron microscope is not of equivalent scientific value to any of the foreign articles described above for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

SETH M. BODNER,  
Director, Office of Import Programs.

[FR Doc.72-9408 Filed 6-21-72; 8:48 am]

#### VETERANS ADMINISTRATION HOSPITAL

##### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of

the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00162-33-43780. Applicant: Veterans Administration Hospital, 1601 Perdido Street, New Orleans, LA 70140. Article: Resparameter, Mark 4. Manufacturer: P. K. Morgan, Ltd., United Kingdom. Intended use of article: The article is to be used for the purpose of measuring single-breath pulmonary diffusing capacity, an important part of pulmonary function testing. The article will also be used in the training of residents and fellows in the fields of internal medicine and pulmonary diseases.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides capabilities for the investigation of factors which influence single breath pulmonary diffusing capacity including an automatic computer control. Automatic features and other capabilities are pertinent to the applicant's intended purposes. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated March 31, 1972, that the article has scientific value for this work and that it knows of no scientifically equivalent domestic instrument which is being manufactured in the United States.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,  
Director,  
Office of Import Programs.

[FR Doc. 72-9412 Filed 6-21-72; 8:48 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary  
SOCIAL AND REHABILITATION  
SERVICE

### Statement of Organization, Functions, and Delegations of Authority

Part 5 of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare, Social and Rehabilitation Service (34 F.R. 1279, January 25, 1969, as amended) is hereby further amended to reflect the reorgani-

zation of the Medical Services Administration. For such purposes, section 5-B is amended as follows:

By striking out all that follows under the heading "Medical Services Administration" and inserting in lieu thereof the following:

"The mission of the Medical Services Administration is to provide leadership in the planning, development, coordination, and administration of the programs under title XIX of the Social Security Act, as amended.

#### OFFICE OF THE COMMISSIONER

The Commissioner, with the assistance of the Associate Commissioners, directs the planning, coordination, and development of the programs under title XIX of the Social Security Act, as amended, and the development of effective relationships between these programs and other federally supported health and health related programs.

Within broad Department of Health, Education, and Welfare and Social and Rehabilitation Service policy and guidelines and subject to the health policy direction and other authority of the Assistant Secretary for Health and Scientific Affairs, the Medical Services Administration establishes program goals and objectives; develops policies, standards, and guidelines to accomplish stated goals; provides program management guidance to the regional office staffs and coordinates with the Regions on individual State problems; develops modifications and innovations in program and in administration; works with and coordinates with other Social and Rehabilitation Service organizations and related health components of the Department to organize training programs to promote and provide skilled medical and medically related manpower to better assist the needy; obtains, analyzes, and provides information related to medical assistance; develops and implements appropriate information and payment systems; maintains relationships with a variety of governmental and nongovernmental organizations who have an interest in the health and welfare of the Nation and who have an impact on Medical Services Administration programs; evaluates progress in administration of the title XIX programs and takes required action to direct or redirect efforts to achieve program objectives; proposes legislation to provide for changing needs of program directions and for financing of better health care to program recipients; promotes experimental programs in financing of health delivery systems; provides administrative management services; performs public information and public inquiries activities; conducts program and administrative budget activities; and coordinates its activities and programs with other concerned SRS organizations. Provides management support to the Medical Assistance Advisory Council.

#### OFFICE OF PROGRAM PLANNING AND EVALUATION

Develops policies and plans for the development and coordination of financing

aspects of the Federal/State medical care programs for persons eligible under applicable titles of the Social Security Act. Determines statistical data to be collected; and maintains records of characteristics of State title XIX plans. Develops the program budget for title XIX programs. Conducts studies of the economy with emphasis on areas relating to the medical aspects of the title XIX programs. Coordinates with all other health-related Department of Health, Education, and Welfare policymaking agencies and other governmental and nongovernmental organizations interested in health care for the poor. Develops legislative proposals for improvements in medical assistance to the needy; serves as the focus in Medical Services Administration for activities related to support of the Department's legislative objectives. Develops objectives and goals for Medical Services Administration; guides program and administrative planning; reviews total program effort and prepares appraisal of programs of national impact; serves as a focus for Medical Services Administration research and evaluation activities.

#### OFFICE OF PROGRAM INNOVATION

Develops modifications and innovations in the administration of title XIX programs; promotes experiments in funding arrangements for health plans; collaborates with related Federal and other interested agencies in developing and implementing new health systems concepts to assure that title XIX activities are supportive of general systems improvements; coordinates title XIX support of demonstration projects and analytic studies concerned with reducing the cost of making high quality care available to the indigent.

#### DIVISION OF POLICY AND STANDARDS

Develops and prepares policies, standards and guides except for long-term care for program participation, operations, administration, and related areas; insures that program policies, standards, and other issuances are consistent with those of the Health Service and Mental Health Administration and with the Social Security Administration; develops reimbursement standards for skilled nursing homes, hospitals, and other providers of medical care under title XIX programs; coordinates with Regions on individual State problems.

#### DIVISION OF LONG-TERM CARE

Develops and prepares policies, standards and guides for program participation, operations, administration relating to long-term care which includes skilled nursing homes, mental hospitals, intermediate care facilities, home health care and licensure of nursing home administrators; insures that policies and issuances for long-term care are consistent with those of other HEW agencies; provides technical assistance and consultation to the regions; coordinates with regions on individual State problems; proposes legislation to provide for changing needs in long-term care; participates

in manpower development and training programs relating to long-term care.

#### DIVISION OF PROGRAM MONITORING

Provides technical assistance, instruction and guidance to regions in monitoring and review of State administration of the Medicaid program; analyzes the adequacy of Medicaid monitoring and reporting activities; acts as the focal point in the Medical Services Administration for HEW and General Accounting Office audits and assures that corrective action is carried out; participates with other SRS and HEW elements in developing principles and guidelines for combined health program monitoring systems and audits.

#### DIVISION OF MANAGEMENT SYSTEMS

Plans and develops model systems, procedures, criteria, and specifications required for the improvement of the management of the Medicaid programs in the area of claims processing, payments, management information, administrative systems and procedures; provides technical assistance to the regions and coordinates with the regions on individual State problems; develops external personnel training and manpower development programs for Regional Offices and State agencies; provides consultation and liaison for EDP systems.

Dated: June 14, 1972.

STEVEN D. KOHLERT,  
Deputy Assistant Secretary  
for Management.

[FR Doc.72-9440 Filed 6-21-72;8:51 am]

## DEPARTMENT OF TRANSPORTATION

#### Federal Aviation Administration

FLIGHT SERVICE STATION AT BLACKSTONE ARMY AIR FIELD, BLACKSTONE, VA.

#### Notice of Decommissioning

Notice is hereby given that the Flight Service Station at Blackstone Army Air Field at Blackstone, Va., will be decommissioned on or about August 18, 1972. Essential services for the Blackstone area will be provided by the Richmond, Va. FSS.

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

Issued in New York, N.Y., on June 14, 1972.

ROBERT H. STANTON,  
Acting Director, Eastern Region.

[FR Doc.72-9370 Filed 6-21-72;8:45 am]

GREAT LAKES REGIONAL OFFICE AT  
DES PLAINES, ILL.

#### Notice of Change of Jurisdiction and Redesignation

Notice is hereby given that on or about July 1, 1972, the following Engineering

and Manufacturing District Offices and Air Carrier District Offices will be transferred to the jurisdiction of the Great Lakes Regional Office, and that the numerical designation of the Cleveland, Ohio Engineering and Manufacturing District Office is changed from 42 to 47:

Engineering and Manufacturing District Office 41, Muskegon, Mich.  
Engineering and Manufacturing District Office 42, Indianapolis, Ind.  
Engineering and Manufacturing District Office 44, Detroit, Mich.  
Engineering and Manufacturing District Office 46, Des Plaines, Ill.  
Engineering and Manufacturing District Office 47, Cleveland, Ohio.  
Engineering and Manufacturing District Office 48, Vandalia, Ohio.  
Air Carrier District Office 31, Des Plaines, Ill.  
Air Carrier District Office 34, Minneapolis, Minn.

This information will be reflected in the FAA Organization Statement the next time it is reissued.

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

Issued in Des Plaines, Ill., on June 12, 1972.

LYLE K. BROWN,  
Director, Great Lakes Region.

[FR Doc.72-9371 Filed 6-21-72;8:45 am]

### Office of Hazardous Materials CERTAIN COMPRESSED GAS CYLINDERS

#### Request for Information

The Director, Office of Hazardous Materials (OHM) is seeking information from the public about possible failures and deficiencies of certain compressed gas cylinders manufactured since July 1960 to the present by Manchester Tank and Equipment Co. (referred to as "Manchester"), with plants in Lithonia, Ga., and Lynwood, Calif.

The cylinders bear markings identifying them as DOT Specification 4B and 4BW compressed gas cylinders fabricated in accordance with sections 178.50 and 178.61, respectively, of the Hazardous Materials Regulations (49 CFR Parts 170-189).

Among the applicable specification requirements for 4B and 4BW cylinders are §§ 178.50-3 and 178.61-3, which require inspections to be performed on the cylinders by a competent inspector, and §§ 178.50-4(d) and 178.61-4(d), which require the inspector to render a complete report of his inspections to the purchaser and maker of the cylinder and to the Bureau of Explosives of the Association of American Railroads. The records of the Bureau of Explosives indicate that no reports were received from Manchester from July 1960 to December 1971.

In October 1970, a representative of the Office of Hazardous Materials visited the Georgia plant, and, in November of 1971, visited the California plant. After these visits, Manchester submitted certain technical information and reports

with respect to the testing and manufacture of its cylinders.

In light of the failure to file the required reports with the Bureau of Explosives, the observations of the OHM representative during his visits to the California and Georgia plants, and a review of the information submitted by Manchester, we are concerned as to whether the 4B and 4BW cylinders manufactured by Manchester since July 1960 comply with the regulations. Therefore, in the interest of public safety, we have decided to seek further information with respect to those cylinders.

The Manchester cylinders manufactured in Georgia carry the identifying symbol "Manchester Ga.," "Man-Ga," or "Man-Tank," and the California cylinders carry the identifying symbol "Manchester."

It is requested that parties having any knowledge of a failure or deficiency of a Manchester 4B or 4BW compressed gas cylinder contact OHM. Also, any party having a Manchester cylinder that he believes may be defective is requested to retain the cylinder, and contact OHM for further instructions.

All information should be directed to the Director, Office of Hazardous Materials, Department of Transportation, 400 Sixth Street SW., Washington, DC 20590, telephone: (202) 426-0656.

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

W. J. BURNS,  
Director,  
Office of Hazardous Materials.

[FR Doc.72-9459 Filed 6-21-72;8:53 am]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-301]

WISCONSIN ELECTRIC POWER CO.  
AND WISCONSIN MICHIGAN  
POWER CO.

#### Notice of Appointment of Alternate Appeal Board Chairman

Point Beach Nuclear Plant Unit 2.  
The Commission has delegated its authority and review function in this proceeding to the Atomic Safety and Licensing Appeal Board, consisting of the then Chairman and the present Vice-Chairman of the Appeal Board (Algie A. Wells, Esq., and Dr. John H. Buck) and a third member (Dr. Lawrence R. Quarles) designated by the Commission.

In accordance with § 2.787 of the rules of practice, the Commission has designated Michael L. Glaser, Esq., as Chairman of the Appeal Board for purposes of the above-captioned proceeding.

It is so ordered.

Dated: June 14, 1972.

By the Commission.

W. B. McCool,  
Secretary of the Commission.

[FR Doc.72-9427 Filed 6-21-72;8:50 am]

[Docket No. 50-305]

**WISCONSIN PUBLIC SERVICE CORP.  
ET AL.****Notice of Consideration of Issuance of  
Facility Operating License and  
Notice of Opportunity for Hearing**

The Atomic Energy Commission (the Commission) will consider the issuance of a facility operating license to Wisconsin Public Service Corp., Wisconsin Power and Light Co., and Madison Gas and Electric Co. (the licensees) which would authorize the licensees to possess, use, and operate the Kewaunee Nuclear Power Plant, a pressurized water reactor (the facility), located on the licensees' site in Kewaunee County, Wis., at a steady-state power level not to exceed 1,650 megawatts (thermal) in accordance with the provisions of the license and the Technical Specifications appended thereto, upon the receipt of a report on the application by the Advisory Committee on Reactor Safeguards, the submission of a favorable safety evaluation of the application by the Commission's Directorate of Licensing, the completion of the environmental review required by the Commission's regulations in 10 CFR Part 50, Appendix D, and a finding by the Commission that the application for the facility license (as amended) complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Chapter 1. Construction of the facility was authorized by Provisional Construction Permit No. CPPR-50, issued by the Commission on August 6, 1968. On February 29, 1972, an order was issued extending the latest completion date specified in the construction permit from March 1, 1972, to December 31, 1972.

Prior to issuance of any operating license, the Commission will inspect the facility to determine whether it has been constructed in accordance with the application, as amended, and the provisions of Provisional Construction Permit No. CPPR-50. In addition, the license will not be issued until the Commission has made the findings, reflecting its review of the application under the Atomic Energy Act of 1954, as amended, which will be set forth in the proposed license, and has concluded that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public. Upon issuance of the license, the licensees will be required to execute an indemnity agreement as required by section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

The facility is subject to the provisions of section C of Appendix D to 10 CFR Part 50, which sets forth procedures applicable to review of environmental considerations for production and utilization facilities for which construction permits were issued prior to January 1, 1970. Notice is hereby given, pursuant to 10 CFR Part 2, "rules of practice," and Appendix D of 10 CFR Part 50, "Licensing of Production and Utilization Facilities,"

that the Commission is providing an opportunity for hearing with respect to whether, considering those matters covered by Appendix D to 10 CFR Part 50, the provisional construction permit in the captioned proceeding should be continued, modified, terminated or appropriately conditioned to protect environmental values.

Within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER, Wisconsin Public Service Corp. et al., may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene (1) with respect to whether, considering those matters covered by Appendix D to 10 CFR Part 50, the provisional construction permit should be continued, modified, terminated, or appropriately conditioned to protect environmental values; and (2) with respect to the issuance of a facility operating license. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order. In accordance with 10 CFR § 2.714, a petition for leave to intervene which is not timely filed will be dismissed unless the petitioner shows good cause for failure to file it on time.

For further details pertinent to the matters under consideration, see the application for the facility operating license dated August 23, 1967, as amended; the licensees' Environmental Report dated January 1971; and the licensees' Supplementary Environmental Report dated November 8, 1971, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Kewaunee Public Library, 314 Milwaukee Street, Kewaunee, Wis. As they become available, the following documents also will be available at the above locations: (1) The Commission's Draft Detailed Statement on environmental considerations pursuant to 10 CFR Part 50, Appendix D; (2) the report of the Advisory Committee on Reactor Safeguards on the application for a facility operating license for the Kewaunee Nuclear Power Plant; (3) the Commission's Final Detailed Statement on environmental considerations pursuant to 10 CFR Part 50, Appendix D; (4) the Safety Evaluation prepared by the Directorate of Licensing; (5) the proposed facility operating license; and (6) the Technical Specifications, which will be attached as Appendix A to the proposed facility operating license.

Copies of the Supplementary Environmental Report, to the extent of supply, and items (1), (2), (3), (4), and (5), when available, may be obtained by request to the Deputy Director for Reactor

Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 16th day of June, 1972.

For the Atomic Energy Commission.

**R. C. DEYOUNG,**  
*Assistant Director for Pressurized  
Water Reactors Directorate  
of Licensing.*

[FR Doc.72-9428 Filed 6-21-72; 8:50 am]

[Dockets Nos. 50-329A, 50-330A]

**CONSUMER POWER CO.****Reconstitution of Board**

In the matter of Consumers Power Co. (Midland Plant Units 1 and 2), Antitrust Proceeding, Dockets Nos. 50-329A, 50-330A.

Dr. Leonard W. Weiss who was previously appointed a member of the Board established to conduct the above captioned proceeding has requested that he be relieved of service in this proceeding.

Accordingly, the Commission has appointed Dr. J. V. Leeds, Jr. as a member of this Board in place of Dr. Weiss.

Dated at Washington, D.C., this 20th day of June 1972.

**JAMES R. YORE,**  
*Executive Secretary, Atomic  
Safety and Licensing Board  
Panel.*

[FR Doc.72-9529 Filed 6-21-72; 8:52 am]

**CIVIL AERONAUTICS BOARD**

[Docket No. 24518]

**ČESKOSLOVENSKE AEROLINIE****Notice of Postponement of Prehearing  
Conference and Hearing Regarding****Permit**

Pursuant to the request of Counsel for Československe Aerolinie, dated June 9, 1972.

hearing in this proceeding, presently scheduled for June 22, 1972 (37 F.R. 11600, June 9, 1972), are hereby postponed to July 6, 1972, 10:00 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

The deadline (June 16, 1972) for objections to the public hearing being held immediately following the conclusion of the prehearing conference is extended to June 22, 1972.

Dated at Washington, D.C., June 16, 1972, the prehearing conference and

[SEAL] **JAMES S. KEITH,**  
*Hearing Examiner.*

[FR Doc.72-9439 Filed 6-21-72; 8:51 am]

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE FEDERATIVE REPUBLIC OF BRAZIL

#### Entry or Withdrawal From Warehouse for Consumption

JUNE 19, 1972.

On October 8, 1971, there was published in the FEDERAL REGISTER (36 F.R. 19626), a letter dated September 28, 1971, from the Chairman, President's Cabinet Textile Advisory Committee, to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products produced or manufactured in the Federative Republic of Brazil and exported to the United States during the 12-month period beginning October 1, 1971. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to paragraph 5 of the bilateral cotton textile agreement of October 23, 1970, as amended, between the Governments of the United States and the Federative Republic of Brazil, which provide that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent.

Accordingly, at the request of the Government of the Federative Republic of Brazil and pursuant to the provision of the bilateral agreement referred to above, there is published below a letter of June 19, 1972, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the level of restraint applicable to cotton textile products in Categories 18/19 and part of 26 (print cloth) and part of 26/27 (duck fabric) for the 12-month period which began on October 1, 1971.

STANLEY NEHMER,  
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources

ASSISTANT SECRETARY OF COMMERCE

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,  
Department of the Treasury,  
Washington, D.C. 20226.

JUNE 19, 1972.

DEAR MR. COMMISSIONER: On September 28, 1971, the Chairman, President's Cabinet Textile Advisory Committee, directed you to prohibit entry of cotton textiles and cotton textile products in certain specified categories produced or manufactured in the Federative Republic of Brazil during the twelve-month period beginning October 1, 1971 in excess of designated levels of restraint. The Chairman further advised you that in the event that there were any ad-

justments<sup>1</sup> in the levels of restraint you would be so informed by letter.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to paragraph 5 of the bilateral cotton textile agreement of October 23, 1970, as amended, between the Governments of the United States and the Federative Republic of Brazil, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to amend, effective as soon as possible, the levels of restraint established in the aforesaid directive of September 28, 1971, for cotton textile products in Categories 18/19 and part of 26 (print cloth) and part of 26/27 (duck fabric), produced or manufactured in the Federative Republic of Brazil, as set forth below.

Category	12-Month level of restraint
18/19 and part of 26 (print cloth) <sup>2</sup> .....square yards	11,576,250
Part of 26/27 <sup>3</sup> .....do.....	2,756,250

<sup>2</sup>In Category 26, the T.S.U.S.A. Nos. for print cloth are:

320...34	322...34	327...34
321...34	326...34	328...34

<sup>3</sup>The T.S.U.S.A. Nos. for duck fabric are:

320...01 through 04, 06, 08
321...01 through 04, 06, 08
322...01 through 04, 06, 08
326...01 through 04, 06, 08
327...01 through 04, 06, 08
328...01 through 04, 06, 08

The actions taken with respect to the Government of the Federative Republic of Brazil and with respect to imports of cotton textiles and cotton textile products from the Federative Republic of Brazil have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

STANLEY NEHMER,  
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources.

[FR Doc.72-9414 Filed 6-21-72;8:49 am]

## COUNCIL ON ENVIRONMENTAL QUALITY

### ENVIRONMENTAL IMPACT STATEMENTS

#### Notice of Availability

Environmental impact statements received by the Council on Environmental Quality, June 5 to June 9.

<sup>1</sup>The term "adjustments" refers to those provisions of the bilateral cotton textile agreement of Oct. 23, 1970, as amended, between the Governments of the United States and the Federative Republic of Brazil which provide in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements.

Note: At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

#### DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, 202-388-7803.

Final, June 7

Rangeland Grasshopper Cooperative Control Program. The statement is concerned with a proposal to spray 2 million acres, primarily in the mentioned three States in order to control grasshoppers. The insecticide malathion will be used at 0.64 lb./acre, and carbaryl at 0.5 lb./acre. Beneficial and other non-target insects, and aquatic life, are adversely affected by the chemicals, which may enter local water systems. (65 pages) Comments made by: DOC, EPA, HEW, and DOI. (ELR Order No. 04649) (NTIS Order No. EIS 72 4649F)

#### CONSERVATION SERVICE

Final, June 6

Boxelder Creek Watershed, Colo. and Wyo. Proposed watershed project, in Larimer and Weld Counties, Colo., and Albany and Laramie Counties, Wyo. Land treatment measures would be developed, five floodwater-retarding and one stabilization structure will be constructed for the purpose of flood control. Approximately 1,100 acres will be committed to the project; 0.6 mile of trout stream and 4.2 miles of intermittent streams will be periodically inundated. (22 pages) Comments made by: COE, EPA, HEW, and DOI. (ELR Order No. 04627) (NTIS Order No. EIS 72 4627F)

#### ATOMIC ENERGY COMMISSION

Contact: For nonregulatory matters: Mr. Joseph J. DiNunno, Director, Office of Environmental Affairs, Washington, D.C. 20545, 202-973-5391.

For regulatory matters: Mr. Christopher L. Henderson, Assistant Director of Regulation, Administration, Washington, D.C. 20545, 202-973-7531.

Draft, June 1

Monticello Nuclear Generating Plant, Minnesota, counties: Wright and Sherburne. The proposed action is the conversion of the provisional operating license held by the Northern States Power Co. to an operating license. The plant employs a boiling water reactor to produce 545 MWE (net). A once-through cooling system and mechanical draft cooling towers are utilized in various combinations to discharge waste heat. Small amounts of chemical wastes will be released to the Mississippi River; small quantities of radioactive gases and liquids will be released to the environment. (166 pages) (ELR Order No. 04623) (NTIS Order No. EIS 72 4623D)

Draft, June 7

Shoreham Nuclear Power Station, New York, county: Suffolk. The statement refers to the proposed issuance of a construction permit to the Long Island Lighting Co. A single boiling water reactor, of 2,436 MWT and 820 MWE (net) capacity will be installed. Cooling water will be drawn from and discharged to Long Island Sound, at 14° above ambient. Marine organism may become impinged upon intake apparatus; radioactive gaseous and liquid effluents will be released to the environment. (373 pages) (ELR Order No. 04663) (NTIS Order No. EIS 72 4663D)

Final, June 1

Surry Power Station Unit 1, Virginia, county: Surry. The statement refers to the issuance of an operating license to the Virginia Electric Power Co., for Unit 1; the environmental impact of both Units 1 and 2 are considered. Each unit has a pressurized water reactor with a power capacity of 2,441 MWT and 822.5 MWE. "Stretch" capabilities of 2,546 MWT and 822.5 MWE are anticipated. Cooling water will be drawn from, and discharged to the James River. The water will be heated 14° F. above ambient; marine life will be damaged by thermal effects and entrainment upon intake apparatus; minor quantities of chemical wastes and radioactive gaseous and liquid effluents will be released to the environs. (296 pages) Comments made by: USDA, DOC, COE, EPA, FPC, DOI, and DOT. (ELR Order No. 04581) (NTIS Order No. EIS 72 4581F)

Fast Flux Test Facility (FFTF), Washington, county: Benton. The statement is concerned with the proposed construction of the Fast Flux Test Facility (FFTF) at the Hanford Reservation. FFTF is a 400 MWT nuclear reactor fueled with a mixture of plutonium-uranium oxide. It will provide a fast neutron flux irradiation environment for testing fuels and materials to be used in sodium-cooled fast breeder power reactors. Waste heat will be discharged by the use of sodium-air dump heat exchangers. (318 pages) Comments made by: USDA, DOC, HEW, DOI, and FPC. (ELR Order No. 04609) (NTIS Order No. EIS 72 4609F)

## DEPARTMENT OF DEFENSE

## AIR FORCE

Contact: Col. Clif M. Whitehead, Room 5E 425, The Pentagon, Washington, D.C. 20330, 202-695-2889.

Draft, May 31

Shaw Air Force Base, S.C. The statement refers to the proposed construction of 500 units of military housing at the base, in order to complement an existing 1,205 units. Approximately 100 acres, much of it wooded, will be acquired and committed to the action. (ELR Order No. 04568) (NTIS Order No. EIS 72 4588D)

## ARMY CORPS

Contact: Col. William L. Barnes, Executive Director of Civil Works, Attention: DAEN-CWZ-C, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, DC 20314, 202-693-7168.

Draft, June 1

Cowke State Park, Ala., county: Barbour. The statement refers to the proposed dredging of 745,000 cubic yards of material from Walter F. George Lake, in order to provide sufficient water depth for a boating marina and land for park construction. Forty-two acres of land and 21 acres of water bottom will be adversely affected, with marine life and wildlife being displaced. (12 pages) (ELR Order No. 04604) (NTIS Order No. EIS 72 4604D)

Draft, May 31

Coosa River Navigation Project, Georgia and Alabama. The statement proposes the construction of six single lift locks at Alabama Power Co. damsides on the Coosa River. The project would provide a 9-foot deep, 150-foot wide, 280-mile long navigable waterway. Damage to aquatic life and wildlife at the sites of dredging and deposition is the only adverse impact discussed in the statement. (5 pages) (ELR Order No. 04588) (NTIS Order No. EIS 72 4588D)

Dalton Reservoir, Ga., counties: Whitfield and Murray. The statement refers to the proposed construction of a 75-foot high dam on the Conasauga River 24.8 miles above its mouth. The purposes of the project are flood control, water supply, wildlife enhancement, economic development, and recreation. Approximately 17,500 acres of agricultural land and wildlife habitat will be committed to the action; 8,650 acres of it would be inundated. The number of potential displacements is not specified. (5 pages) (ELR Order No. 04578) (NTIS Order No. EIS 72 4578D)

Curry Creek Reservoir, Ga. Proposed construction of a multipurpose reservoir on the Oconee River 12 miles north of Athens. The purpose of the action is flood control. Twelve miles of stream fishery habitat and 5,720 acres of agricultural and timber land will be lost to the action. (7 pages) (ELR Order No. 04577) (NTIS Order No. EIS 72 4577D)

Royalton Lake, Ky. The statement is concerned with the proposed construction of Royalton Lake, a multipurpose reservoir, a related 17 miles of channelization works, and three upstream structures. The project would require acquisition of 8,700 acres, much of it wooded; 1,350 acres of land and 17 miles of stream would be inundated, with a resulting loss of aquatic and wildlife. The number of persons to be displaced by the action is not specified. (7 pages) (ELR Order No. 04571) (NTIS Order No. EIS 72 4571D)

Midland Local Protection Project, Kentucky, counties: Bath and Rowan. Proposed construction of a system of levee and channel works on an 11-mile stretch of the Licking River, between Lexington and Ashland. The purpose of the project is that of flood control. The completion of the project would result in changed land use on 21,000 acres. The presently wooded and agrarian land would be developed for industrial and residential purposes; wildlife populations would be substantially reduced. (7 pages) (ELR Order No. 04584) (NTIS Order No. EIS 72 4584D)

Bucks Harbor, Maine, county: Washington. The statement is concerned with the dredging of an 11-acre anchorage (for commercial fishing boats), at the harbor. Approximately 48,000 cubic yards of spoil will be dredged from the site and dumped offshore. Temporary turbidity will have adverse effects upon marine biota. (21 pages) (ELR Order No. 04561) (NTIS Order No. EIS 72 4561D)

Roaring River Dam, N.C. county: Wilkes. The statement refers to the proposed construction of a dam and multipurpose reservoir on the Roaring River, 25 miles west of Winston-Salem. Approximately 4,780 acres of agricultural land and wildlife habitat will be committed to the project; of this approximately 2,560 acres will be inundated, along with 9.5 miles of stream; 24 residences, one church, and one cemetery will be displaced. (10 pages) (ELR Order No. 04576) (NTIS Order No. EIS 72 4576D)

Clinchfield Dam and Reservoir, N.C. and S.C. Proposed construction of a 3,430-foot earthen dam and ----- miles north of Spartanburg, S.C. Approximately 28,000 acres, three-fourths of which will be inundated, will be committed to the project. The number of residential displacements which will occur is not specified. (11 pages) (ELR Order No. 04575) (NTIS Order No. EIS 72 4575D)

Draft, June 1

Hamlin Beach State Park, N.Y., county: Monroe. The proposed action involves construction of seven stone groins and dumping of 250,000 cubic yards of sand along 4,250 feet of beach frontage on Lake Ontario. The purpose of the project is the maintenance of a beach capable of accommodating 11,600 persons at peak capacity. Temporary turbidity from dumping will disturb and/or destroy marine life; the park will be disfigured by the project's access roads. (15 pages) (ELR Order No. 04596) (NTIS Order No. EIS 72 4596D)

Draft, May 31

Whiteoak Dam and Reservoir, Ohio, county: Brown. The statement is concerned with the proposed construction of a dam on Whiteoak Creek, 9.8 miles above its confluence with the Ohio River and 40 miles southeast of Cincinnati. The reservoir would be of multipurpose (water-supply and quality control, flood control, and recreation) use. Approximately 931 acres of land and 7.5 miles of stream habitat would be inundated. An unspecified number of residences and businesses would be displaced. (10 pages) (ELR Order No. 04583) (NTIS Order No. EIS 72 4583D)

Clarion River Acid Mine Drainage, Pennsylvania. The statement refers to a program of acid mine drainage from inactive mines and oil and gas fields in the six watersheds of the Clarion River Basin. Mines would be sealed or backfilled, diversion ditches would be constructed, and line injections would be utilized along with related procedures. Existing land use could be disrupted by the project. (16 pages) (ELR Order No. 04585) (NTIS Order No. EIS 72 4585D)

Tamaqua Local Protection Project, Pennsylvania. The statement refers to the proposed construction of a concrete-lined 2,930-foot long, 10-foot diameter tunnel to divert water flow from Wabash Creek to the Little Schuylkill River. The purpose of the action is the control of possible flooding. (6 pages) (ELR Order No. 04572) (NTIS Order No. EIS 72 4572D)

Hipes Dam and Lake Project, Virginia, counties: Botetourt and Craig. The statement refers to the proposed construction of a 172-foot high earth and rockfill dam on Craig Creek. The purposes of the project are flood control, water quality control, recreation, conservation, and economic development. A trout rearing station would also be constructed. Approximately 23 miles of stream fishery habitat, 5,000 acres of forest wildlife habitat, and the community of Oriskany will be inundated; 150 additional residences would be displaced. (9 pages) (ELR Order No. 04574) (NTIS Order No. EIS 72 4574D)

Royal Glen Reservoir, W. Va., county: Grant. The statement refers to the proposed construction of a reservoir and 12,800 feet of channel improvements on the south branch of the Potomac River through the city of Petersburg. Approximately 6 miles of stream and 1,150 acres of agricultural land and wildlife habitat would be inundated by the project. (9 pages) (ELR Order No. 04573) (NTIS Order No. EIS 72 4573D)

Tug Fork at Williamson, W. Va., county: Mingo. The statement refers to the construction of a levee and floodwall system, and a pumping station, on the Tug Fork of the Big Sandy River, at the city of Williamson. The intent of the action is that of providing flood control; 4 residences and 2 businesses will be displaced. (4 pages) (ELR Order No. 04586) (NTIS Order No. EIS 72 4586D)

Tug Fork, W.Va., county: Mingo. The statement refers to the proposed construction of a levee and floodwall system on the Tug Fork of the Big Sandy River at the city of Matewan. Approximately 30 residences would be displaced by the proposed action. (7 pages) (ELR Order No. 04587) (NTIS Order No. EIS 72 4587D)

*Final, May 31*

Miami Harbor, Fla. The action consists of deepening a 6-mile stretch of existing 30-foot deep harbor to a depth of 36-38 feet; and the widening of the channel by 100 feet. Approximately 5 million cubic yards of spoil will be dredged and dumped at two upland diked areas and three open water disposal areas. Marine life at both the dredging and dumping sites will be disturbed; the upland deposit sites are bordered by mangrove which serves as habitat for osprey, herons, and egrets. (40 pages) Comments made by: USDA, EPA, DOI, and DOT. (ELR Order No. 04560) (NTIS Order No. EIS 72 4560F)

Mullet Key, Fla., county: Pinellas. The project involves beach nourishment of a 6,750-foot reach of shoreline. A 210-foot wide strip of beach would be formed, along with a 60-foot wide protective barrier. A 420-foot long anchor groin and a 11,250-foot long revetment would be the structural features of the project. Approximately 325,000 cubic yards of sand would be dredged from an offshore site and placed on the beach. Marine life at both sites would be disturbed and/or destroyed. (32 pages) Comments made by: USDA, DOC, EPA, HEW, HUD, and DOI. (ELR Order No. 04567) (NTIS Order No. EIS 72 4567F)

St. Catherine Sound, Md. The project involved is maintenance dredging of the 6-foot deep, 80-foot wide channel of St. Catherine Sound, extending 3,330 feet into the Wicomico River. The area is one of commercial and recreational boating. Marine life (such as oysters and crabs) which is of commercial importance, may be adversely affected by the project. (26 pages). Comments made by: USDA, DOC, EPA, and HEW. (ELR Order No. 04563) (NTIS Order No. EIS 72 4563F)

Bound Brook, Mass. The statement refers to the snagging and clearing of Bound Brook, along with the realignment and widening of the channel. Debris will be placed along the banks. Both hydraulic and riparian life systems will be damaged by the project. The purpose of the action is flood control. (16 pages) Comments made by: USDA and EPA. (ELR Order No. 04566) (NTIS Order No. EIS 72 4566F)

Taylor Bayou, Tex., county: Jefferson. The proposed project is a flood control and drainage plan for the Taylors Bayou watershed. Structural features include the enlargement of 1.8 miles of the Gulf Intracoastal Waterway, and the outfall canal from Taylors Bayou, a diversion channel and appurtenant facilities. A total of 3,800 acres will be committed to the project; 1,610 acres of land will be dredged to become part of the channel; 2,190 acres will be utilized for spoil deposit. The area consists of marsh and prairie land, much of it being wildlife habitat. Rare species affected by the action include the American alligator, the river otter, and the Texas red wolf. (60 pages) Comments made by: USDA, DOC, EPA, and DOI. (ELR Order No. 04564) (NTIS Order No. EIS 72 4564F)

DELAWARE RIVER BASIN COMMISSION

*Draft, June 7*

Eddystone Generating Station, Pennsylvania, county: Delaware. The statement refers to the proposed addition of two generating units to the Philadelphia Electric Co.'s existing station, located at the confluence of Crum Creek and the Delaware River. The units involved are oil-fired steam-electric, of 400,000 kw. each; a dock facility capable of handling fuel oil barges and oil storage facilities will also be constructed. (86 pages) (ELR Order No. 00664) (NTIS Order No. EIS 72 4664D)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630, Water-side Mall, Washington, D.C. 20460, 202-755-0940.

*Final, June 1*

Austin Wastewater Facilities, Texas. The statement considers the construction of a deep tunnel interceptor and the enlargement of an existing wastewater treatment plant at Walnut Creek. The plant is located in a substantially residential area. Total construction costs are estimated at \$29,099,000, of which \$16,004,500 has been offered as a Federal grant. (244 pages) Comments made by: USDA, COE, and DOI. (ELR Order No. 04580) (NTIS Order No. EIS 72 4580F)

*Final, June 8*

Pittsburg, Tex., county: Camp. The statement considers the upgrading of a wastewater treatment plant on Sparks Branch, and construction of a second plant and interceptors on Dry Creek, for which the city of Pittsburg is requesting Federal financial assistance. The two plants will be designed to produce effluent meeting the required 20 mg./l. BOD standard. An unspecified amount of land will be committed to the action. The close proximity of the proposed facilities to existing residential dwellings has met opposition. (153 pages) Comments made by: USDA, COE, DOC, and DOI. (ELR Order No. 04669) (NTIS Order No. EIS 72 4669F)

*Final, June 9*

Red Oak Treatment System, Texas, county: Ellis. The statement considers the construction of a complete wastewater treatment system for which the city of Red Oak is requesting Federal funds. The system would include interceptors and a treatment plant, which would employ an extended aeration process, grit removal, flow measurement, and effluent chlorination. Treated effluent will be discharged to a tributary of Red Oak Creek; the facility will encourage residential growth in Red Oak. (128 pages) Comments made by: USDA, DOC, COE, HEW, HUD, DOI, and OEO. (ELR Order No. 04680) (NTIS Order No. EIS 72 4680F)

FEDERAL POWER COMMISSION

Contact: Mr. Frederick H. Warren, Advisor on Environmental Quality, 441 G Street NW., Washington, DC 20426, 202-386-6084.

*Draft, June 9*

Deep Creek Lake, Md., county: Garrett. The statement refers to the proposed approval to develop recreational facilities at its to develop recreational facilities at its' Project No. 2370. Of the 316-acre site 86 acres are presently developed; an additional 100 acres will be developed under the plan. (80 pages) (ELR Order No. 04687) (NTIS Order No. EIS 72 4687D)

*Final, May 31*

Cove Point, Md., and Savannah, Ga. The statement refers to an application by Columbia LNG seeking authorization to construct facilities at the two sites, in order to handle imported liquefied natural gas (LNG) from Algeria. Pipeline construction will total 391 miles, require five river crossings and traverse State-owned lands, a national wildlife refuge, and a national park. A 5,900-foot unloading pier will be constructed in the Chesapeake at Cove Point, and a ship turning basin at Savannah. The terminal at Cove Point will occupy an area which had been planned for inclusion in the Calvert Cliffs State Park. Marine life at both sites will be adversely affected. (140 pages) Comments made by: USDA, DOC, COE, EPA, DOI, and DOT. (ELR Order No. 04619) (NTIS Order No. EIS 72 4619F)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Mr. Richard H. Broun, Director, Environmental and Land Use Planning Division, Washington, D.C. 20410, 202-755-6186.

*Draft, June 2*

Wingate Apartments, New Hampshire, county: Belknap. The statement is concerned with the proposed construction of 18, two-story apartment buildings, totaling 100 units, in the city of Laconia. Approximately 10 acres of land will be committed to the action. (36 pages) (ELR Order No. 04611) (NTIS Order No. EIS 72 4611D)

*Final, June 2*

Lysander New Community, New York, county: Onondaga. The statement refers to a proposed HUD finding that Lysander be an eligible new community under the Urban Growth and New Community Development Act of 1970. No guarantee or loan assistance is being sought. The community will be situated on a 2,700-acre site to the north and west of Syracuse. Five thousand housing units will be constructed and industrial and commercial sites will be developed over a 20-year period. (130 pages) Comments made by: USDA, AEC, DOC, COE, EPA, GSA, and DOI. (ELR Order No. 04621) (NTIS Order No. EIS 72 4621F)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

*Draft, May 31*

Off-road vehicles (ORV). The proposed action would implement Executive Order 11644, concerning the use of motorized ORV, through regulations promulgated by DOI bureaus in conformance with a Secretarial memorandum. Effective control of the use of ORV would reduce the adverse environmental impacts these vehicles now have on public lands. (38 pages) (ELR Order No. 04613) (NTIS Order No. EIS 72 4613D)

*Draft, June 7*

Illinois Beach Acquisition, Illinois, county: Lake. The statement is concerned with the proposed acquisition, by the Illinois State Department of Conservation, of 980 acres located along 3 miles of Lake Michigan shoreline between Zion and the Illinois-Wisconsin border. The land will be developed for both recreation and conservation purposes. Approximately 250 families will be displaced by the action. (16 pages) (ELR Order No. 04658) (NTIS Order No. EIS 72 4658D)

## BUREAU OF RECLAMATION

## Final, June 2

Pueblo Dam and Reservoir, Colo., county: Pueblo. The statement considers the construction of a dam and reservoir, features of the Fryngpan-Arkansas Project, 6 miles west of Pueblo. Purposes of the project are municipal and industrial use, flood control, and quality control. Approximately 18,000 acres will be committed to the project; 6 miles of stream will be inundated; eight residences will be displaced. (136 pages) Comments made by: USDA, COE, EPA, FPC, DOI, and DOT. (ELR Order No. 04620) (NTIS Order No. EIS 72 4620F)

## Final, May 31

China Meadows Dam and Reservoir, Utah. Proposed construction of an earthfill dam and dike on the east fork of Smiths Fork, a tributary of the Green River, 25 miles south of Mountain View, Mont. The purposes of the action are flood control and irrigation. Approximately 600 acres will be committed to the project; 2 miles of quality trout stream will be lost. The area provides habitat for elk, moose, deer, black bear, and cougar. (581 pages) Comments made by: USDA, COE, EPA, and DOI. (ELR Order No. 04582) (NTIS Order No. EIS 72 4582F)

Federal Mine Health and Safety Academy, West Virginia. The statement is concerned with the construction and operation of a Federal Mine Health and Safety Academy in Beckley, W. Va. The Academy would train mine inspectors who would assist in administering the Federal Coal Mine Health and Safety Act of 1969. A 600-student multibuilding facility is planned. Forty-four acres would be committed to the project. (68 pages) Comments made by: DOC, EPA, HEW, HUD, DOI, and DOT. (ELR Order No. 04608) (NTIS Order No. EIS 72 4608F)

## NATIONAL CAPITAL PLANNING COMMISSION

## Final, June 7

Comprehensive Plan for the National Capital, Washington. The statement refers to proposed modifications to the comprehensive plan in order that it conform to the Fort Lincoln Urban Renewal Area Plan. The modifications include the changing of the "Community Shopping Cluster" designation to "Uptown Center" and the location of it in the Urban Renewal Area; the realignment of Fort Circle Park; the extension of the national park system within the Urban Renewal Area; the reduction of Anacostia Park to accommodate new Federal City College facilities; and other measures. The changes represent an intensification of land use activity. (31 pages) Comments made by: FPC and GSA. (ELR Order No. 04665) (NTIS Order No. EIS 72 4665F)

## DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 Seventh Street SW., Washington, DC 20590, 202-426-4355.

## Draft, May 31

Federal-Aid Highway and Mass Transportation Act. The statement considers proposed legislation which would continue the Federal-aid highway program, but with a series of fundamental changes. These changes would include the establishment of an urban transportation program which would consolidate urban highway and mass transit programs (excepting the interstate highway program, and the urban mass transportation research and development program

and demonstration program). Similar rural highway programs would be consolidated into a Rural Federal-Aid System and a Rural General Transportation Fund. The existing interstate highway program would be continued to insure its completion (42 pages) (ELR Order No. 04625) (NTIS Order No. EIS 72 4625D)

## FEDERAL AVIATION AGENCY

## Draft, June 1

Birmingham Municipal Airport, Ala., county: Jefferson. The project consists of the acquisition of land, the extension of an existing N/S runway, and the strengthening and widening of existing taxiways and ramps. The purpose of the project is the enlargement of the airport's capabilities to serve as a commercial air carrier facility, with the ability to handle intermediate size jets. A future goal is the construction of a second N/S runway parallel to the existing one. Approximately 65 acres will be committed to the project; one public school, one college, and an unspecified number of other buildings will be displaced. (116 pages) (ELR Order No. 04590) (NTIS Order No. EIS 72 4590D)

Rogers Municipal Airport, Ark. The statement refers to the proposed acquisition of land and reconstruction and lengthening of existing runways (from 75' x 3,300' to 100' x 4,200', and from 75' x 4,200' to 100' x 6,000'); construction of new taxiways and purpose of the action is that of providing facilities for jet and large piston aircraft. Eighty acres will be committed to the project; air and noise quality levels will decrease. (73 pages) (ELR Order No. 04592) (NTIS Order No. EIS 72 4592D)

Plymouth Municipal Airport, N.C., county: Washington. The statement is concerned with the proposed construction of a new basic utility airport capable of handling single engine aircraft of less than 12,500 pounds. A 3,700' x 75' runway would be constructed, along with aprons, taxiways, an access road, etc.; VASI and medium intensity lighting would be installed. Approximately 225 acres of land would be committed to the project. (31 pages) (ELR Order No. 04614) (NTIS Order No. EIS 72 4614D)

Springer Municipal Airport, N.Mex. Proposed construction of a new airport, with a 60' x 5,000' paved runway, graded taxiways and apron, an access road, fenced perimeter, a wind cone and a segmented circle. Approximately 108 acres of grassland will be committed to the project. (25 pages) (ELR Order No. 04591) (NTIS Order No. EIS 72 4591D)

## Draft, June 4

Blackwell-Tonkawa Airport, Okla., county: Blackwell. The statement is concerned with the proposed acquisition of land and construction of a new airport, with a N/S 60' x 3500' runway, turnarounds, a taxiway and parking apron, and appurtenant facilities. A gas pipeline will be relocated due to the actions; 145 acres will be committed. (16 pages) (ELR Order No. 04600) (NTIS Order No. EIS 72 4600D)

## Draft, June 1

Murdo Airport, S. Dak., county: Jones. The statement is concerned with the proposed construction of a new airport. Facilities would include a 150' x 4,400' landing strip, a 50' x 3,400' hard surface runway, taxiways and aprons, a parking lot and access road, lighting, etc. Approximately 85 acres of land would be committed to the project. (30 pages) (ELR Order No. 04594) (NTIS Order No. EIS 72 4594D)

Meacham Field, Tex. Proposed acquisition of land, surfacing of a 150' x 7,500' runway, installation of HIRL, construction of taxiways and aprons, etc. New facilities are being constructed at Meacham in anticipation of the closing of Fort Worth's airport in 1973. Approximately 88.7 acres are being committed to the action. (73 pages) (ELR Order No. 04589) (NTIS Order No. EIS 72 4589D)

Kenosha Municipal Airport, Wis., county: Kenosha. The project involves the acquisition of land (133 acres in fee, 23 acres in easement) and reconstruction and extension (by 600 feet) of an existing 75' x 3,000' NW/SE runway, construction of taxiways and installation of lighting. (17 pages) (ELR Order No. 04603) (NTIS Order No. EIS 72 4603D)

## Final, June 8

Napa County Airport, Calif., county: Napa. The proposed action involves the acquisition of land and the construction of a 75' x 2,500' runway, with taxiways and aprons. Local ambient noise and air quality standards will decrease. While it is not expected that airport use will change due to this action, the future construction of a 7,000-foot runway is planned. (45 pages) Comments made by: EPA and DOI. (ELR Order No. 04671) (NTIS Order No. EIS 72 4671F)

## Final, May 31

Kirsch Municipal Airport, Mich., county: St. Joseph. The statement considers the proposed acquisition of land and construction of a new 5,700' x 75' N/S runway, taxiway, and a terminal building; relocation of REIL; and addition of appurtenant facilities. It is intended that the airport's capabilities be expanded to enable the handling of business jets. An unspecified amount of land will be committed to the action; local controversy exists over the expected increase in noise levels and the proposed closing of a portion of the present access road. (49 pages) Comments made by: USDA, COE, DOC, EPA, DOI, and DOT. (ELR Order No. 04565) (NTIS Order No. EIS 72 4656F)

## FEDERAL HIGHWAY ADMINISTRATION

## Draft, May 31

I-65, Alabama, county: Shelby. The statement concerns the proposed construction of 7.4 miles of new four-lane interstate highway. Total acreage to be committed to the action is not specified; 8 acres of the Oak Mountain State Park will be required for right-of-way, necessitating the filing of a 4(f) statement. (28 pages) (ELR Order No. 04570) (NTIS Order No. EIS 72 4570D)

## Draft, June 7

I-70, Colorado, county: Garfield. Proposed construction of an 11-mile segment of I-70, from 3 miles west of Rifle to Silt. Flood plain and riparian ecosystems will be damaged by the action; an unspecified amount of land and number of residences will be committed to the project. (46 pages) (ELR Order No. 04660) (NTIS Order No. EIS 72 4660D)

## Draft, May 31

I-225, Colorado. Proposed construction of an interchange connecting I-225, Yosemite Street, and Tamarac Street. Seven residences would be displaced by the action. (48 pages) (ELR Order No. 04624) (NTIS Order No. EIS 72 4624D)

**Draft, June 7**

State Road 44, Florida, county: Volusia. Proposed relocation and reconstruction of S.R. 44 from its intersection with I-95, 3.5 miles easterly to its intersection with U.S. 1 in the city of New Smyrna Beach. A four-lane facility would replace the existing two-lane roadway. Several alternative routes are under consideration, with displacements, depending upon the route, number from 0 to 70 families. (68 pages) (ELR Order No. 04667) (NTIS Order No. EIS 72 4667D)

State Road 10A, Florida, county: Duval. The project involves the construction of grade separations (overpasses) on Arlington Avenue and Townshend Boulevard at their intersections with S.R. 10A. (33 pages) (ELR Order No. 04648) (NTIS Order No. EIS 72 4648D)

**Draft, June 1**

FAP Route 412, Illinois, counties: Shelby, Christian, and Fayette. The statement is concerned with the proposed construction of 80 miles of new four-lane highway, a section of the 250-mile long north-south FAP 412. The facility would be constructed within the corridor of, but not on, existing U.S. 51. The amount of land and number of residences to be committed to the project are not specified. (20 pages) (ELR Order No. 04616) (NTIS Order No. EIS 72 4616D)

N-52, Nebraska, counties: Boone and Nance. Proposed construction of a hard surface on approximately 7 miles of two-lane gravel roadway. An unspecified amount of acreage will be committed to the action; several property units will be severed; portions of stream beds will be channelized. (21 pages) (ELR Order No. 04601) (NTIS Order No. EIS 72 4601D)

**Draft, May 31**

Northern Arterial, New York, county: Westchester. The statement is concerned with the construction of 1.9 miles of urban highway, the Northern Arterial, in White Plains. Twenty-four businesses and 41 residences would be displaced by the eight-lane facility; a 4(f) statement will be filed, as the Bronx River Parkway would be crossed by the project. (68 pages) (ELR Order No. 04569) (NTIS Order No. EIS 72 4569D)

**Final, June 1**

FAS 5910, Alabama, county: Shelby. The project involves reconstruction of 0.6 mile of highway, its purpose being the elimination of sharp curves and narrow bridges. A small concrete bridge will be built. Unspecified amount of land will be committed to the action. (40 pages) Comments made by: USDA, COE, EPA, HUD, and DOI. (ELR Order No. 04599) (NTIS Order No. EIS 72 4599F)

**Final, June 6**

U.S. 82, Alabama, county: Pickens. Proposed reconstruction of 15.63 miles of four-lane U.S. 82, much of it on new location. Approximately 600 acres, some of it wildlife habitat, will be acquired for right-of-way. An unspecified number of residences will be displaced. (45 pages) Comments made by: USDA, COE, HUD, DOI, and DOT. (ELR Order No. 04646) (NTIS Order No. EIS 72 4646F)

Interstate 5, California, county: San Joaquin. Proposed construction of 17 miles of new six-lane highway, from Hammer Road to the Sacramento-San Joaquin County line. Six businesses and 11 residences have already been displaced by the project; an additional three families will be moved. The Peripheral Canal will be used as a borrow source for embankment material. (67 pages). Comments made by: USDA, COE, EPA, DOI, and DOT. (ELR Order No. 04641) (NTIS Order No. EIS 72 4641F)

Georgia Route 341, Georgia, county: Walker. Proposed reconstruction of 2.2 miles of roadway in the city of Chickamauga. A 4(f) statement will be filed as a portion of municipal owned parkland would be required as right-of-way. (82 pages) Comments made by: COE, EPA, HUD, DOI, and DOT. (ELR Order No. 04644) (NTIS Order No. EIS 72 4644F)

**Final, June 1**

U.S. 82, U.S. 1, and U.S. 23, Georgia, county: Ware. Proposed reconstruction of three sections of roadway totaling approximately 12 miles. Displacements will include five residences and one business. (35 pages) Comments made by: USDA, COE, EPA, and DOI. (ELR Order No. 04606) (NTIS Order No. EIS 72 4606F)

**Final, June 6**

City Boulevard, Maryland. Proposed construction of six-lanes of highway in urban Baltimore, from I-170 to Mount Royal Avenue. Approximately 148 residences and 39 businesses will be displaced by the action. (68 pages) Comments made by: USDA, COE, EPA, HEW, and DOI. (ELR Order No. 04639) (NTIS Order No. EIS 72 4639F)

**Final, June 1**

Missouri, county: Platte. The statement refers to the proposed construction of 13 miles of I-435, a section of beltway to the north and west of the Kansas City Metropolitan Area. The action will include the construction of eight major interchanges and the channelization of sections of Brush Creek; 24 ponds will be eliminated and groundwater quality and levels will be adversely affected. Nine residences will be displaced by the project; 1,000 acres of land, much of it agricultural or timber land, will be lost. (62 pages) Comments made by: USDA, EPA, HEW, and HUD. (ELR Order No. 04605) (NTIS Order No. EIS 72 4605F)

**Final, June 6**

State Highway 1499A, New York, county: Monroe. Proposed construction of a new bridge over the Genesee River and 2,700 feet of approaches. An unspecified amount of farm land and number of residences will be committed to the project. (24 pages) Comments made by: USDA, EPA, FPC, DOI, and DOT. (ELR Order No. 04642) (NTIS Order No. EIS 72 4642F)

**Final, June 1**

Cascade Lakes Highway (Oregon Forest Highway 46), Oregon, counties: Deschutes and Klamath. The statement is concerned with the proposed construction of 5.8 miles of highway, with the purpose of opening new land to recreational and commercial use. The area has an abundant wildlife population, including deer, elk, and the bald eagle. Approximately 100 acres of timber land will be committed to the project. (64 pages) Comments made by: USDA, EPA, DOI, and DOT. (ELR Order No. 04697) (NTIS Order No. EIS 72 4607F)

U.S. 14, South Dakota, county: Brookings. The proposed action is the reconstruction of 14 miles of U.S. 14, from two to four lanes. Several new bridges will be constructed. Four farm residences and an unspecified amount of new right-of-way will be committed to the project. (39 pages) Comments made by: USDA, COE, EPA, and DOI. (ELR Order No. 04598) (NTIS Order No. EIS 72 4598F)

**Final, June 6**

State Highway 172, F-081-1( ), Wisconsin, county: Brown. Proposed construction of a new four- to six-lane divided freeway between U.S. 41 in Ashwaubenon and I-57 in Bellevue. The project would include a new bridge over the Fox River. A 4(f) statement will be filed as a piece of public park land would be taken by the action. (56 pages) Comments made

by: USDA, EPA, HUD, DOI, and DOT. (ELR Order No. 04643) (NTIS Order No. EIS 72 4643F)

**Final, June 1**

State Road 5, Florida, county: Duval. The statement is concerned with the reconstruction of S.R. 5 (Main Street) in urban Jacksonville. Approximately 0.5 mile of roadway will be rebuilt on existing right-of-way. (28 pages) (ELR Order No. 04597) (NTIS Order No. EIS 72 4597F)

**Final, June 7**

U.S. 70, Durham, N.C., East-West Freeway, North Carolina, county: Durham. This action involves construction of a four-lane divided freeway through Durham for the existing U.S. 70-I-85 intersection northwest of the city to U.S. 70 just east of Durham. Approximately 4.1 miles of the 9.2-mile project are already built or are under construction. The unfinished sections of the freeway will require taking 239 residences, six businesses, and five nonprofit organizations. Local parks and recreation centers will be affected. A 4(f) statement will be issued. (59 pages) (ELR Order No. 04661) (NTIS Order No. EIS 72 4661F)

BRIAN P. JENNY,  
Acting General Counsel.

[FR Doc.72-9399 Filed 6-21-72;8:47 am]

## ENVIRONMENTAL PROTECTION AGENCY BENOMYL

### Notice of Extension of Temporary Tolerances

The E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898, was granted temporary tolerances for residues of the fungicide benomyl (methyl-1-(butylcarbamoyl)-2-benzimidazolecarbamate) in or on the raw agricultural commodities apricots, cherries, nectarines, peaches, plums, and prunes at 15 parts per million (from preharvest or postharvest uses or combinations of such uses); grapes at 10 parts per million; and apples, crabapples, pears, and quinces at 7 parts per million (from preharvest or postharvest uses or combinations of such uses) on February 26, 1971 (notice was published in the FEDERAL REGISTER of March 24, 1971 (36 F.R. 5531)). These temporary tolerances expired February 26, 1972.

The firm has requested a 1-year extension of the temporary tolerances for residues of benomyl on grapes at 10 parts per million and on apples, crabapples, pears, and quinces at 7 parts per million to obtain additional experimental data. It is concluded that such extension will protect the public health. A condition under which the temporary tolerances are extended is that the fungicide will be used in accordance with the temporary permit which is being issued concurrently by the Environmental Protection Agency and which provides for distribution under the E. I. du Pont de Nemours & Co., Inc. name.

As extended, these temporary tolerances expire June 15, 1973.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516;

21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038).

Dated: June 15, 1972.

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

[FR Doc.72-9437 Filed 6-21-72; 8:51 am]

### ETHEPHON

#### Notice of Establishment of Temporary Tolerance

Amchem Products, Inc., Ambler, Pa. 19002, submitted a petition (PP 2G1217) requesting a temporary tolerance for residues of the plant regulator ethephon ((2-chloroethyl)phosphonic acid) in or on the raw agricultural commodity apples at 6 parts per million.

It has been determined that a temporary tolerance of 6 parts per million for residues of the plant regulator in or on apples is safe and will protect the public health. It is therefore established as requested on condition that the plant regulator be used in accordance with the temporary permit being issued concurrently by the Environmental Protection Agency and which provides for distribution under the Amchem Products, Inc. name.

This temporary tolerance expires June 14, 1973.

This action is being taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038).

Dated: June 14, 1972.

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

[FR Doc.72-9432 Filed 6-21-72; 8:51 am]

### FMC CORP.

#### Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b) (5), 72 Stat. 1786; 21 U.S.C. 348(b) (5)), notice is given that a petition (FAP 2H5017) has been filed by FMC Corp., Niagara Chemical Division, 100 Niagara Street, Middleport, NY 14105, proposing establishment of food additive tolerances (21 CFR Part 121) for combined residues of the insecticide and fungicide binapacryl (2-sec-butyl-4,6-dinitrophenyl 3-methyl-2-butenate) and its metabolite 2-sec-butyl-4,6-dinitrophenol in apple pomace at 5 parts per million and in grape pomace at 3 parts

per million. Such residues would result from application of binapacryl to growing apples and grapes as proposed in a pesticide petition, notice of which was published in the FEDERAL REGISTER of June 25, 1968 (33 F.R. 9312).

Dated: June 14, 1972.

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

[FR Doc.72-9436 Filed 6-21-72; 8:51 am]

### PARAQUAT

#### Notice of Establishment of Temporary Tolerance

Great Lakes Chemical Corp., Post Office Box 2200, West Lafayette, IN 47906, submitted a petition (PP 1G1011) requesting a temporary tolerance for residues of the desiccant, defoliant and herbicide paraquat (1,1'-dimethyl-4,4'-bipyridinium) in or on cottonseed at 0.5 part per million (calculated as the cation) resulting from application of the dibromide salt to growing cotton.

It has been determined that a temporary tolerance of 0.5 part per million for residues of the pesticide (calculated as the cation) in or on cottonseed is safe and will protect the public health. This temporary tolerance is therefore established as requested, on condition that the pesticide will be used in accordance with the temporary permit which is being issued concurrently and which provides for distribution under the Great Lakes Chemical Corp. name.

This temporary tolerance expires June 15, 1973.

This action is being taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038).

Dated: June 15, 1972.

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

[FR Doc.72-9433 Filed 6-21-72; 8:50 am]

### RHODIA INC.

#### Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U.S.C. 346a(d) (1)), notice is given that a petition (PP 2F1269) has been filed by Rhodia Inc., Chipman Division, 120 Jersey Avenue, New Brunswick, NJ 08903, proposing the establishment of tolerances (40 CFR Part 180) for negligible residues of the herbicide 2-tert-butyl-4-(2,4-dichloro-5-isopropoxyphenyl) - 1,3,4 - oxadiazoline-5-one in or on the raw agricultural commodities rice straw at 0.15 part per million and rice at 0.05 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a gas-liquid chromatographic procedure using electron-capture detection.

Dated: June 14, 1972.

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

[FR Doc.72-9434 Filed 6-21-72; 8:50 am]

### STAUFFER CHEMICAL CO.

#### Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U.S.C. 346a(d) (1)), notice is given that a petition (PP 2F1273) has been filed by Stauffer Chemical Co., 1200 South 47th Street, Richmond, CA 94804 proposing establishment of an exemption from the requirement of a tolerance (40 CFR Part 180) for residues of N,N-diallyl dichloroacetamide when used as an inert ingredient in pesticide formulations applied to growing crops only.

The analytical method proposed in the petition for determining residues of the pesticide chemical is a gas-liquid chromatographic method with a conductivity detector operated in the nitrogen-specific mode.

Dated: June 14, 1972.

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

[FR Doc.72-9435 Filed 6-21-72; 8:51 am]

## FEDERAL COMMUNICATIONS COMMISSION

[Report 601]

### COMMON CARRIER SERVICES INFORMATION<sup>1</sup>

#### Domestic Public Radio Services Applications Accepted for Filing<sup>2</sup>

JUNE 19, 1972.

Pursuant to §§ 1.227(b) (3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business

<sup>1</sup> All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

<sup>2</sup> The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the Rules).

day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new

application are governed by the earliest action with respect to any one of the earlier filed conflicting applications. The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS  
COMMISSION,  
BEN F. WAPLE,  
Secretary.

[SEAL]

BEN F. WAPLE,  
Secretary.

#### APPENDIX

##### APPLICATIONS ACCEPTED FOR FILING:

###### DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

- 6118-C2-P-72—Delaware Mobile Telephone Co. (New), for a new two-way station to be located on Limestone Road, 0.5 mile north of Curtis Mill Road, near Newark, Del., to operate on 454.350 MHz.
- 7538-C2-P-(2)-72—Same (New), for a new two-way station to be located at 0.2 mile southwest of Main Street, Woodsie, Del., to operate on 454.300 and 454.325 MHz.
- 8821-C2-P-(2)-72—Sigma Communications (KCO484), for additional facilities to operate on 454.275 MHz at location No. 1: Top of Rattlesnake Mountain, near Farmington, Conn. and add 454.325 MHz at location No. 2: Glastonbury, Conn.
- 8823-C2-P-(2)-72—General Communications Service, Inc. (KOE257), replace transmitter and change the base frequency to 35.22 MHz at location No. 1: 7.5 miles south of Phoenix, Ariz., and add facilities to operate on 35.22 MHz at a new site described as location No. 2: Arizona Title Building, 111 West Monroe, Phoenix, AZ.
- 8823-C2-P/ML-72—The Mountain States Telephone & Telegraph Co. (KAD983), replace the transmitters operating on 152.57 and 152.63 MHz located at 6 miles east-southeast of Fort Morgan, Colo.
- 8828-C2-P-72—E & J Mobile Radio Service (New), for a new two-way station to be located at 7805 Calhall Place, Waynesville, OH, to operate on 454.150 MHz.
- 8829-C2-P-72—Forward Electronics, Inc. (New), for a new one-way station to be located at Elb Mountain State Park, at WSAU-TV, 5 miles southwest of Wausau, Wis., to operate on 158.700 MHz.
- 8830-C2-P-72—Airsignal International of Pittsburgh, Pa., Inc. (KGA805), for an additional (alternate) transmitter to operate on 35.22 MHz at location No. 2: 121 South Highland Avenue, Pittsburgh, Pa.
- 8841-C2-P-72—Pioneer Telephone Cooperative, Inc. (New), for a new two-way station to be located at Sealing, Okla., to operate on 152.69 MHz.
- 8842-C2-P-72—Same (KLB669), for additional facilities to operate on 454.450 MHz located 1 mile east of Kingfisher, Okla.
- 8843-C2-P-72—Same (KLB670), for additional facilities to operate on 454.575 MHz located south of Highway No. 3, southeast of Watonga, Okla.
- 8844-C2-P-72—Same (KLB671), for additional facilities to operate on 454.550 MHz located at CR & P.R.R. and Main Street, Hennessey, Okla.
- 8845-C2-P-72—Mobilfone of Monmouth & Ocean (KEJ886), for additional facilities to operate on 454.100 MHz at a new site described as location No. 3: Route 9 and Harbor Inn Road, south of Toms River, N.J.

###### DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—Continued

- 8846-C2-P-(2)-72—Airsignal International of Pittsburgh, Pa. (KGA805), for two additional (alternate) transmitters to operate on 43.58 and 35.22 MHz at location No. 1: 1715 Grandview Avenue, Pittsburgh, Pa.
- 8847-C2-P-72—Radio Paging Service (KKQ965), replace transmitter operating on 35.58 MHz located at Broadway and Avenue L, Lubbock, Tex.
- 8852-C2-P-72—Same (KLF600), replace transmitter operating on 152.240 MHz located at 7400 University Avenue, Lubbock, TX.
- 8853-C2-P-72—Paging Associates, Inc. (New), for a new two-way station to be located at 24 Rockdale Road, West Haven, CT, to operate on 454.075 MHz.
- 8854-C2-P-72—Boylan & Cannon Electronics, Inc. (New), for a new two-way station to be located at the Court House, 135 North Fayette Street, Washington, OH, to operate on 454.175 MHz.
- 8891-C2-P-72—The Lincoln Telephone & Telegraph Co. (KAA689), replace transmitter operating on 152.630 MHz at location No. 1: 1440 M Street, Lincoln, NE.
- 8913-C2-P-72—Charles Escue (KSY947), for additional facilities to operate on 158.70 MHz at a new location described as location No. 2: 2301 Farley Place, Birmingham, AL.
- 8914-C2-P-72—Canaveral Communications (KIY516), for additional facilities to operate on 152.150 MHz located at 3 miles west of Cocoa, Fla.
- 7845-C2-ML-72—Intrastate Radio Telephone, Inc., of Los Angeles (KMA200), for additional voice channels to operate on 2112, 2128, 2162, and 2178 MHz for control and repeater stations at location No. 1: 899 Cedro Drive, Los Angeles, location No. 2: end of TV Row, Mount Wilson, and location No. 3: 2301 West Olive Avenue, Burbank, CA.
- 3921-C2-R-72—Pacific Northwest Bell Telephone Co. (KFP2010), renewal of Developmental license expiring July 14, 1972. Term: July 14, 1972, to July 14, 1973.
- 3041-C2-R-72—Southern Bell Telephone & Telegraph Co. (KIN644), renewal of Developmental license expiring August 1, 1972. Term: August 1, 1972, to August 1, 1973.

###### Major Amendment

- 68-C2-P-72—Services Unlimited, Inc. (KIY449), change location to latitude 36°05'52" N., longitude 80°16'02" W. All other particulars same as Report No. 553, dated July 19, 1971.

###### POINT-TO-POINT MICROWAVE RADIO SERVICE

- 3854-C1-R-72—Pacific Northwest Bell Telephone Co. (KPR65), in any temporary fixed location within the territory of the grantee. Renewal of license expiring July 6, 1972. Term: July 6, 1972 to July 6, 1973. Developmental.
- 8824-C1-P-72—South Central Bell Telephone Co. (KJA21), 1316 Adams Avenue, Montgomery, AL. Latitude 32°22'26" N., longitude 86°17'24" W. C.P. to add 3930H MHz toward Tallahassee, Ala.
- 8825-C1-P-72—Same (KJG77), 4.8 miles west of Tallahassee, Ala. Latitude 32°32'00" N., longitude 85°58'24" W. C.P. to add 3890H MHz toward Houston Hills and Tuskegee, Ala.
- 8826-C1-P-72—Same (KJG78), 210 Northside Street, Tuskegee, Ala. Latitude 32°25'27" N., longitude 85°41'33" W. C.P. to add 3930H MHz toward Tallahassee, and Opelika, Ala.
- 8827-C1-P-72—Same (KJG79), Cherry Avenue, Opelika, Ala. Latitude 32°38'00" N., longitude 85°22'25" W. C.P. to add 3890H MHz toward Tuskegee, Ala.
- 8832-C1-P-72—Northwestern Bell Telephone Co. (New), 10.8 miles north-northeast of Redig, S. Dak. Latitude 45°24'56" N., longitude 103°27'09" W. C.P. for a new station on 6226.9V MHz toward Castle Rock and 11,405H MHz toward Castle Rock, S. Dak.
- 8833-C1-P-72—Same (New), 1.9 miles north of Castle Rock, S. Dak. Latitude 44°59'40" N., longitude 103°25'06" W. C.P. for a new station on 5974.8V and 10,755V MHz toward Newell, S. Dak., and 6063.8V, 10,955H MHz toward Redig, S. Dak.
- 8834-C1-P-72—Same (New), 8.9 miles east of Newell, S. Dak. Latitude 44°42'46" N., longitude 103°14'33" W. C.P. for a new station on 6226.9H and 11,405V MHz toward Hereford, S. Dak., and 6315.9V and 11,685V MHz toward Castle Rock, S. Dak.
- 8835-C1-P-72—Same (New), 3.6 miles north-northeast of Hereford, S. Dak. Latitude 44°26'26" N., longitude 102°56'02" W. C.P. for a new station on 5974.8H and 10,755H MHz toward Caputa, S. Dak., and 6063.8H and 10,955V MHz toward Newell, S. Dak.

- 8836-C1-P-72—Same (KYN99), 4.9 miles of Caputa, S. Dak. Latitude 44°02'19" N., longitude 102°54'30" W. Modification of license to add 6315.9H and 11,685H MHz toward Hereford, S. Dak., formerly purchased from A.T. & T. facing Hereford, S. Dak. (KYN78).
- 8848-C1-P-72—Same (KAV48), 1.3 miles west Oskaloosa, Iowa. Latitude 41°17'40" N., longitude 92°40'04" W. C.P. to add 11,685V and 6241.7H MHz toward Ottumwa, Iowa.
- 8849-C1-P-72—Same (KAU67), 505 North 5th Street, Ottumwa, IA. Latitude 41°01'29" N., longitude 92°24'45" W. C.P. to add 6108.3V MHz toward Fairfield, Iowa, and 10,755V and 6019.3H MHz toward Oskaloosa, Iowa.
- 8850-C1-P-72—Same (New), 0.5 mile northeast Fairfield, Iowa. Latitude 41°00'54" N., longitude 91°56'30" W. C.P. for a new station on frequencies 6360.3H MHz toward Mount Pleasant, Iowa, and 6390.0V MHz toward Ottumwa, Iowa.
- 8851-C1-P-72—Same (WBP69), 0.4 mile north of Mount Pleasant, Iowa. Latitude 40°59'09" N., longitude 91°33'06" W. C.P. to add 6137.9H MHz toward Fairfield, Iowa.
- 8855-C1-P-72—Mid-Kansas, Inc. (KZA43), 0.6 mile east of Lyons, Kans. Latitude 38°20'48" N., longitude 98°10'23" W. C.P. to power split frequency 6212.2H MHz toward new point of communication at Lyons, Kans., on azimuth 344°10'. Applicant proposes to extend backup NBC network service to Kansas State Network, Inc., for further distribution to Wichita via of its own intercity relay system.
- 8856-C1-P-72—Midwestern Relay Co. (New), 5737 Tokay Boulevard, Madison, WI, at latitude 43°03'09" N., longitude 89°28'42" W. C.P. for a new station on frequency 6256.5V MHz toward new station Baraboo, Wis., on azimuth 349°01'. (INFORMATIVE: Colocated with 3687-C1-P-71. See public notice dated January 18, 1971.)
- 8857-C1-P-72—Same (New), 7.4 miles southeast of Baraboo, Wis. Latitude 43°27'14" N., longitude 89°35'07" W. C.P. for a new station on frequency 6004.5V MHz toward Davis Corner, Wis., on azimuth 347°45'.
- 8858-C1-P-72—Same (New), Davis Corner, 5.8 miles west of Oxford, Wis. Latitude 43°46'25" N., longitude 89°40'52" W. C.P. for a new station on frequencies 6226.9H, 6286.2H, and 6315.9V MHz toward Hancock, Wis., on azimuth 15°53'. (INFORMATIVE: Colocated with 8182-C1-P-72. See public notice dated May 22, 1972.)
- 8859-C1-P-72—Same (New), Hancock, 5.5 miles west-northwest of Coloma, Wis., at latitude 44°05'55" N., longitude 89°33'10" W. C.P. for a new station on frequencies 5974.8V, 6034.2V, and 6093.5V MHz toward Stevens Point, Wis., on azimuth 356°22'.
- 8860-C1-P-72—Same (New), 2.5 miles northwest of Stevens Point, Wis., at latitude 44°33'10" N., longitude 89°35'35" W. C.P. for a new station on frequencies 6197.2V, 6256.5V, and 6375.2V MHz toward Rib Mountain (Wausau), Wis., on azimuth 949°11'.
- 8861-C1-P-72—Same (New), Rib Mountain (Wausau), Wis. Latitude 45°55'15" N., longitude 89°41'30" W. C.P. for a new station on frequencies 11,095V and 10,985V MHz toward Wausau WSAU-TV, Wisconsin, on azimuth 62°11'.
- 8862-C1-P-72—American Telephone & Telegraph Co. (KCK64), 2.6 miles east of Andover, Maine. Latitude 44°38'01" N., longitude 70°42'00" W. C.P. to add 10,775V and 11,175V MHz toward Swains Notch (Black Mountain), Maine.
- 8863-C1-P-72—Same (WAD61), 4.5 miles northwest of Rumford, Maine. Latitude 44°35'53" N., longitude 70°37'35" W. C.P. to add 11,625H and 11,305H MHz toward Andover, Maine, and 11,305H and 11,625H MHz toward Canton, Maine.
- 8864-C1-P-72—Same (WAD62), 2.9 miles northwest of Canton, Maine. Latitude 44°28'04" N., longitude 70°31'34" W. C.P. to add 10,775V and 11,175V MHz toward Swains Notch, Maine, and 6197.2V and 6256.5V MHz toward West Minot, Maine.
- 8865-C1-P-72—Same (WAD63), 1.3 miles southeast of West Minot, Maine. Latitude 44°09'50" N., longitude 70°20'36" W. C.P. to add 5945.2V and 6004.5V MHz toward Canton, Maine, and Brunswick, Maine.
- 8866-C1-P-72—Same (KCB82), 4.7 miles north of Topsham, Maine. Latitude 43°59'55" N., longitude 69°58'46" W. C.P. to add 6197.2V and 6256.5V MHz toward West Minot, Maine, and 3710H and 4130V MHz toward Portland, Maine.
- 8867-C1-P-72—Same (KCB81), 45 Forest Avenue, Portland, ME. Latitude 43°39'21" N., longitude 70°15'52" W. C.P. to add 3750H and 4170V MHz toward Brunswick, Maine, and 4170V MHz toward Sanford, Maine.
- 8868-C1-P-72—Same (KCB80), 2.1 miles southwest of Sanford, Maine. Latitude 43°25'14" N., longitude 70°48'12" W. C.P. to add 4130V MHz toward Chester, N.H.

- 8869-C1-P-72—Same (KOB79), 2.6 miles southeast of Chester, N.H. Latitude 42°55'18" N., longitude 71°13'34" W. C.P. to add 3930H and 4010H MHz toward Littleton, Mass.
- 8870-C1-P-72—Same (KICM82), 1.6 miles south of Littleton, Mass. Latitude 42°31'29" N., longitude 71°27'49" W. C.P. to add 3890H and 3970H MHz toward Chester, N.H.

## MULTIPOINT DISTRIBUTION SERVICE

- 8816-C1-P-72—Midwest Corp. (New), Life and Casualty Tower Building, Church and Fourth Streets, Nashville, Tenn. Latitude 36°09'34" N., longitude 86°46'40" W. C.P. for a new station on 2154.75(Visual) 2150.25(Aural) toward various receiving points of the system.
- 8817-C1-P-72—Multi-Communication Services, Inc. (New), Life and Casualty Tower Building, Church and Fourth Streets, Nashville, Tenn. Latitude 36°09'34" N., longitude 86°46'40" W. C.P. for a new station on 2154.75(Visual) 2150.25(Aural) toward various receiving points of the system.

- 8818-C1-P-72—Nashville Mobilphone, Inc. (New), First National Corporation Building, Fourth Avenue North and Union Streets, Nashville, Tenn. Latitude 36°09'56" N., longitude 86°46'46" W. C.P. for a new station on 2154.75(Visual) 2150.25(Aural) toward various receiving points of the system.
- 8819-C1-P-72—Micro TV, Inc. (New), Hercules Tower Building, North Market and East 10th Streets, Wilmington, Del. Latitude 39°44'41" N., longitude 75°32'54" W. C.P. for a new station on 2156.25(Aural) 2158.75(Visual) toward various receiving points of the system.

- 8820-C1-P-72—Same (New), Trenton Trust Co., 28 West State Street, Trenton, NJ. Latitude 40°13'14" N., longitude 74°49'03" W. C.P. for a new station on 2156.25(Aural) 2158.75(Visual) toward various receiving points of the system.

INFORMATIVE: It appears that the following applications may be mutually exclusive subject to the Commission's rules regarding ex parte presentations, reasons of potential electrical interference.

## TENNESSEE—Nashville

- Midwest Corp. (New), 8816-C1-P-72.  
Nashville Signal Co. (New), 6964-C1-P-72.  
Microwave Relay Services, Inc. (New), 7880-C1-P-72.  
Midwest Corp. (New), 8816-C1-P-72.  
Multi-Communication Services, Inc. (New), 8817-C1-P-72.  
Nashville Mobilphone, Inc. (New), 8818-C1-P-72.

## POINT-TO-POINT MICROWAVE RADIO SERVICE: MAJOR AMENDMENTS

INFORMATIVE: Applicant, Video Microwave, Inc., is amending previously filed applications to construct a regional microwave network for the purpose of providing two-way terminal-to-terminal common carrier video transmission services for commercial and public television broadcast stations in New England.

- 6701-C1-P-71—Video Microwave, Inc. (New), proposed station 2.2 miles southwest of Woburn, Mass., at latitude 42°27'20" N., longitude 71°10'50" W. Amendment requests deletion of frequency 11,665V on azimuth 144°19' toward Station WHDE. Correct frequencies to 6004.5V, 6034.2H, 6123.1V and 6152.8H on azimuth 246°04' toward Charlton, Mass. All other particulars are as reported in public notice No. 546 dated June 1, 1971.
- 6702-C1-P-71—Same (New), requests dismissal of proposed station at 50 Morrissey Boulevard, Boston, Mass., at latitude 42°19'06" N., longitude 71°02'52" W., transmitting on frequency 10,895V on azimuth 324°24' toward Woburn, Mass.

- 6713-C1-P-71—Same (New), change proposed station location to 1.3 miles north of Charlton Depot, at latitude 42°11'28" N., longitude 71°59'00" W. Correct frequencies to 6226.9V, 6256.5H, 6286.2V, 6345.5V, 6375.2H, and 6404.8V on azimuth 66°04' toward Woburn, Mass. Correct azimuth to 272°16' toward Blandford, Mass.

- 6714-C1-P-71—Same (New), proposed station 3 miles north of Blandford, Mass., at latitude 42°13'10" N., longitude 72°56'47" W. Correct azimuth to 92°16' toward Charlton, Mass.
- 6717-C1-P-71—Same (New), proposed station 2.9 miles south of Avon, Talcott Mountain, Conn., at latitude 41°46'27" N., longitude 72°48'23" W. Correct frequency 6177.5H to 6177.5V on azimuth 346°51' toward Blandford, Mass.

## POINT-TO-POINT MICROWAVE RADIO SERVICE: MAJOR AMENDMENTS—Continued

- 6721-C1-P-71—Same (New), proposed station at Fifth Avenue at 34th Street, Empire State Building, New York, latitude 40°44'54" N., longitude 73°59'10" W. Correct frequencies to 11,225V on azimuth 11°30' to passive repeater and on azimuth 343°16' toward Station ABC; to 11,385H on azimuth 350°24' toward Station CBS; to 11,625H on azimuth 23°13' toward Station NBC.
- 6722-C1-P-71—Same (New), proposed station at 57 West 56th Street, NY at latitude 40°46'23" N., longitude 73°58'48" W. Correct frequency to 10,855V on azimuth 163°16' to passive repeater and on azimuth 191°31' to Empire State Building, New York.
- 6723-C1-P-71—Same (New), proposed station at 30 Rockefeller Plaza, NY, at latitude 40°45'31" N., longitude 73°58'49" W. Correct frequency to 10,995V on azimuth 203°13' toward Empire State Building, New York.
- 6724-C1-P-71—Same (New), proposed station at 524 West 57th Street, New York, NY, at latitude 40°46'11" N., longitude 73°59'27" W. Correct frequency to 1115H on azimuth 170°24' toward Empire State Building, New York.

[FR Doc.72-9424 Filed 6-21-72; 8:50 am]

[Docket No. 19519; FCC 72-503]

**WESTERN COMMUNICATIONS, INC.  
(KORK-TV)**
**Order Designating Application for  
Hearing on Stated Issues**

In regard application of Western Communications, Inc. (KORK-TV), Las Vegas, Nev., Docket No. 19519, File No. BRCT-327; for renewal of license.

1. Now under consideration are: (a) The captioned application; (b) the Commission's inquiry into the operation of Station KORK-TV; and (c) a "Settlement Agreement" and related materials filed March 9, 1972, by Western Communication, Inc. (Western), and by Las Vegas Valley Broadcasting Co. (Valley).

2. Valley has filed an application (BPCT-4465) for a construction permit for a new commercial television broadcast station to operate on Channel 3, Las Vegas, Nev., which is mutually exclusive with the KORK-TV renewal application. However, Western and Valley have filed an agreement looking toward a merger of the two companies. The agreement provides that Valley will dismiss its application for a new station upon Commission approval of: (a) The KORK-TV renewal application; (b) the merger agreement; and (c) the application assigning the license of KORK-TV to Western Valley Television, Inc., a new corporation in which Valley and Western have half interests.<sup>1</sup> In view of that agreement, Valley and Western have requested that action be deferred on their mutually exclusive applications to permit time to accomplish the proposed merger.

3. We do not believe that the public interest would be served by an indefinite delay in the hearing ordered herein. Accordingly, the request of Valley and Western for deferred action will be denied, insofar as it pertains to Western's application.

4. The merger agreement between Valley and Western provides that either party may terminate the agreement if any application covered by the agreement is designated for hearing. If the agreement is terminated by either party, and if Valley indicates in writing that it

<sup>1</sup> The assignment application was tendered for filing on June 1, 1972.

wishes to prosecute its application through the hearing, a subsequent order will be issued designating that application for hearing for comparative consideration with KORK-TV's renewal application. If, on the other hand, we receive no written statement from Valley indicating it desires to prosecute its application through the hearing, we shall proceed with the hearing ordered herein: *Provided*, That if it is found that KORK-TV's license should otherwise be renewed, the renewal application will be returned to the processing line. The merits of the merger agreement and the assignment application will have to be considered at an appropriate time.

5. Information before us raises serious questions as to whether Western possesses the qualifications to be or to remain a licensee of Station KORK-TV. In view of these questions, we are unable to find that a grant of the application would serve the public interest, convenience and necessity, and must, therefore, designate the application for hearing.

6. *Accordingly, it is ordered*, That the captioned application is designated for hearing at a time and place specified in a subsequent order, pursuant to section 309(e) of the Communications Act of 1934, as amended, upon the following issues:

(a) To determine whether the licensee engaged in fraudulent billing practices in violation of § 73.1205 of the Commission's rules and regulations, by certifying to the National Broadcasting Co. in certain documents that the licensee broadcast certain network programs in their entirety, including commercial content, whereas the licensee had deleted certain network commercial advertisements in the programs certified as having been broadcast in their entirety;

(b) To determine whether in the course of the Commission's inquiry the licensee made misrepresentations to the Commission or was lacking in candor regarding its policies or practices in joining network programs after their beginning, leaving network programs before their end or extending network station or commercial breaks so as to affect the content of network programs.

(c) To determine, in light of the evidence adduced under the preceding issues, whether a grant of the application would serve the public interest, convenience and necessity.

7. *It is further ordered*, That if the application (BPCT-4465) of Las Vegas Valley Broadcasting Co. is not consolidated in this proceeding, and if the application (BRCT-327) for renewal of license of Station KORK-TV would be grantable but for the pendency of BPCT-4465, the renewal application (BRCT-327) shall be returned to the processing line.

8. *It is further ordered*, That the Chief of the Broadcast Bureau shall serve upon Western Communications, Inc., a bill of particulars regarding the matters raised in Issues (a) and (b) above, within thirty (30) days from the release of this order.

9. *It is further ordered*, That the Broadcast Bureau proceed with the initial presentation of the evidence with respect to Issues (a) and (b), and the applicant then proceed with its evidence and have the burden of establishing that it possesses the requisite qualifications to be and to remain a licensee of the Commission and that a grant of the application would serve the public interest, convenience and necessity.

10. *It is further ordered*, That the request for deferred action on the application of Western Communications, Inc., is denied.

11. *It is further ordered*, That to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the receipt of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for hearing and present evidence on the issues specified in this order.

12. *It is further ordered*, That the applicant herein, pursuant to section 311 (a) (2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, shall give notice of the hearing within the time and in the manner prescribed in such rule and shall advise the Commission thereof as required by § 1.594 of the rules.

Adopted: June 9, 1972.

Released: June 12, 1972.

[SEAL] FEDERAL COMMUNICATIONS  
COMMISSION,<sup>2</sup>  
BEN F. WAPLE,  
Secretary.

[FR Doc.72-9425 Filed 6-21-72; 8:50 am]

**FEDERAL MARITIME COMMISSION**

[Docket No. 72-24]

**CANAVERAL PORT AUTHORITY AND  
ELLER AND CO.**
**Order of Investigation**

The Commission has been requested to exempt from the requirements of section

<sup>2</sup> Statement concurring and dissenting in part of Commissioner Johnson filed as part of the original document. Commissioner Reid dissenting.

15 of the Shipping Act, 1916 (Act) Agreement No. T-2598 (Agreement). The parties to the Agreement are Canaveral Port Authority (C.P.A.) and Eller & Co. (Eller). By its terms, the Agreement, executed December 8, 1971, grants to Eller "an exclusive franchise" for:

- 1.) Handling, loading or unloading of cargo between point of rest in open or ground storage on the unleased property of \* \* \* [CPA] either into the warehouse facilities of \* \* \* [CPA] or onto railroad cars, trucks, lighters or barges or any other means of conveyance to or from the terminal facilities of [CPA];
- 2.) Handling, loading or unloading cargo from a point of rest in the warehouse facilities of [CPA] to the next point of rest for such cargo.

The agreement was noticed in the FEDERAL REGISTER on March 15, 1972, and Luckenbach Steamship Co., Inc. (Luckenbach), on behalf of its stevedoring division, Shaw Co. (Shaw), filed a protest. In its protest, Luckenbach, inter alia, claimed that C.P.A. and Eller were acting pursuant to an unwritten agreement for some time prior to December 8, 1972, when Agreement No. T-2598 was executed. Luckenbach further alleges that the agreement creates a stevedoring monopoly in Eller, in that Eller may offer complete stevedoring services whereas Shaw cannot; that it is detrimental to Shaw, in that Shaw loses certain revenue it could otherwise earn but for the agreement; that it is contrary to the public interest in that it creates a monopoly; that it violates section 16, First, of the Act by granting a preference to Eller to the prejudice and disadvantage of other stevedores wishing to offer complete services at Port Canaveral; and that it violates section 17 of the Act by preventing the vessel from exercising its choice of stevedores according to established custom in the trade.

For these reasons, Luckenbach requested: (1) A hearing to determine whether the agreement should be approved; (2) an order suspending the agreement to allow competition among all stevedores for the work performed solely by Eller pursuant to the agreement; and (3) the institution of a proceeding to impose the \$1,000/diem penalty provided for in section 15 for violations thereof.

C.P.A. was informed by the Commission's Bureau of Compliance on January 21, 1972, and again on February 22, 1972, after reconsideration at C.P.A.'s request, that the agreement was subject to section 15. C.P.A. then filed the agreement for exemption on February 29, 1972. At its next regularly scheduled meeting, C.P.A. suspended the written agreement and reverted to the arrangement that preceded its execution, whereby Eller was given "non-exclusive permission" to operate the warehouses of C.P.A.

It appearing that the Commission has been requested to exempt the agreement from the requirements of section 15, and that the agreement may affect competition so as to be detrimental to the commerce of the United States or otherwise

in contravention of the statutory requirements of section 15 of the Shipping Act, 1916, and in order that a record may be developed upon which the Commission may determine whether to approve, disapprove, modify, or exempt the agreement;

Now therefore it is ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916, an investigation be and hereby is instituted to determine whether Agreement T-2598 is a true and complete copy of the understanding or arrangements between the parties;

It is further ordered, That the investigation determine whether the parties have in any manner, entered into and/or implemented an agreement or agreements, understandings, and/or arrangements without filing the agreement with the Commission for approval in violation of section 15, Shipping Act, 1916;

It is further ordered, That the investigation determine whether the agreement may be unjustly discriminatory or unfair as between carriers, or may operate to the detriment of the commerce of the United States, or may be contrary to the public interest in violation of the standards of section 15; whether the agreement, as constituted, or the nonexclusive arrangement with Eller grants an undue or unreasonable preference or advantage to Eller, or subjects Shaw to any undue or unreasonable prejudice or disadvantage in violation of section 16 First; whether C.P.A., through the agreement, or the nonexclusive arrangement with Eller has established, observed, and enforced unjust and unreasonable regulations and practices relating to or connected with the receiving, handling, storing, or delivering of property in violation of section 17; and whether Agreement T-2598 should be approved, disapproved, or modified pursuant to section 15;

It is further ordered, That the investigation determine whether, if Agreement T-2598 is subject to the Act, it should be exempt pursuant to section 35 of the Act as requested by C.P.A.;

It is further ordered, That C.P.A. and Eller be made respondents, and that Luckenbach be made petitioner in this proceeding;

It is further ordered, That this matter be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and place to be determined and announced by the Hearing Examiner;

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon respondents and petitioners;

It is further ordered, That any person, other than respondents, petitioners, and the Commission's Bureau of Hearing Counsel, who desires to become a party to this proceeding and participate therein, shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, with copies to all parties.

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By this Commission.

[SEAL] FRANCIS C. HURNEY,  
Secretary.  
[FR Doc.72-9451 Filed 6-21-72;8:52 am]

### DEN NORSKE AMERIKALINJE A/S Order of Revocation

Certificate of financial responsibility for indemnification of passengers for nonperformance of transportation No. P-19 and certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages No. C-1,026.

Whereas, Den norske Amerikalinje A/S, c/o Norwegian America Line, 29 Broadway, New York, NY 10006 (Norwegian America Line), has ceased to operate the passenger vessel *Ostlofjord*.

It is ordered, That certificate (Performance) No. P-19 and certificate (Casualty) No. C-1,026 covering the *Ostlofjord* be and are hereby revoked effective June 7, 1972.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on the certificant.

By the Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.72-9450 Filed 6-21-72;8:52 am]

[Docket No. 72-25]

### SEA-LAND SERVICE, INC. AND SEATRAN LINES, INC.

#### Order To Show Cause Regarding Discriminatory Assessment of Wharfage Charges at Port of Baltimore

Sea-Land Service, Inc. (Sea-Land) and Seatrain Lines, Inc. (Seatrain) are common carriers by water in the domestic offshore and foreign commerce of the United States, offering service at various ports on the east coast of the United States, including Baltimore.

Sea-Land publishes a "top wharfage charge" in its Terminal Tariff No. 1-A, FMC-T No. 3, page 23, item No. 350, and in its Domestic Freight Tariff No. 158, FMC-F No. 21, page 36, item no. 730. Seatrain publishes a "reception and handling charge" or "delivery and handling charge" in its Homeward Freight Tariff No. 3, FMC-F No. 3, page 4, notes 5, 6, and 7, and in its Outward Freight Tariff No. 1, FMC-F No. 1, page 6, notes 5, 6, and 7. These charges apply only at Baltimore and are nothing more nor less than wharfage charges—i.e., charges for the privilege of cargo movement across the piers.

Sea-Land and Seatrain make geographical or trade distinctions in assessing these wharfage charges. Sea-Land assesses them against cargo moving in

certain domestic offshore and foreign trades but not against cargo moving to or from the European Continent, Scandinavia, the United Kingdom, or Eire, while Seatrain assesses them against cargo moving in certain domestic offshore trades but not against cargo moving in any of the foreign trades that it serves. Yet, obviously, cargo moving in all of these trades is accorded the privilege of movement across the piers. It appears that under the attending circumstances this method of assessing wharfage charges constitutes an unreasonable preference in favor of those trades (and cargo moving therein) which are exempted from these wharfage charges and an unreasonable prejudice against those trades (and cargo moving therein) which are subject to the assessment of these wharfage charges in violation of section 16, First, of the Shipping Act, 1916. This method of assessing wharfage charges also appears to constitute an unreasonable preference in favor of shippers of cargo in those trades which are exempted from these wharfage charges and an unreasonable prejudice against shippers of cargo in those trades which are subject to the assessment of these wharfage charges, and also appears to be unjustly discriminatory as between such shippers in violation of sections 16, First, and 17 of the Shipping Act, 1916.

Sea-Land and Seatrain assess these wharfage charges against cargo whose inland movement to or from the pier is not in railroad car service, while making no such assessment against cargo whose inland movement to or from the pier is in railroad car service. Yet, obviously, both classes of cargo are afforded the privilege of movement across the piers. It appears that under the attending circumstances this method of assessing wharfage charges constitutes an unreasonable preference in favor of cargo whose inland movement is in railroad car service and an unreasonable prejudice against cargo whose inland movement is not in railroad car service in violation of section 16, First, of the Shipping Act, 1916. This method of assessing wharfage charges also appears to constitute an unreasonable preference in favor of shippers who route their cargo by inland movement in railroad car service and an unreasonable prejudice against shippers who route their cargo by inland movement not in railroad car service, and also appears to be unjustly discriminatory as between such shippers in violation of sections 16, First, and 17 of the Shipping Act, 1916.

Finally, preservation of these wharfage charges at Baltimore is remnant of a rate structure first instituted by railroads at a time when most of the pier facilities in Baltimore were railroad owned. At that time, for competitive reasons, nonrailroad owned pier facilities were forced to adopt the rate structure which had been established by railroad owned pier facilities. Now that railroad owned pier facilities are no longer a factor at Baltimore, there are no longer any competitive reasons for the continuation of such a rate structure. It appears that

preservation of these wharfage charges under the attending circumstances constitutes an unreasonable regulation or practice relating to the receiving, handling, or delivering of property in violation of section 17 of the Shipping Act, 1916.

*Therefore, it is ordered,* That, pursuant to section 22 of the Shipping Act, 1916, Sea-Land and Seatrain are named respondents and are directed to show cause why the Commission should not find their above described tariff matter in violation of sections 16, First, and 17 of the Shipping Act, 1916, and why the Commission should not order such tariff matter cancelled.

*It is further ordered,* That this proceeding is limited to the submission of affidavits and memoranda of law, replies, and oral argument if requested and or deemed necessary by the Commission. Should any party feel that an evidentiary hearing is required, that party must accompany any request for such hearing with a statement setting forth in detail the facts to be proven, their relevance to the issues in this proceeding, and why such proof cannot be submitted through affidavit. Requests for hearing shall be filed on or before July 19, 1972. Affidavits of fact and memoranda of law shall be filed by respondents and served upon all parties no later than the close of business July 19, 1972. Reply affidavits and memoranda shall be filed by the Commission's Bureau of Hearing Counsel and intervenors, if any, no later than close of business August 9, 1972.

*It is further ordered,* That a notice of this order be published in the FEDERAL REGISTER and that a copy thereof be served upon respondents.

*It is further ordered,* That persons other than those already party to this proceeding who desire to become parties to this proceeding and to participate therein shall file a petition to intervene pursuant to Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) no later than close of business June 30, 1972.

*It is further ordered,* That all documents submitted by any party of record in this proceeding shall be directed to the Secretary, Federal Maritime Commission, Washington, D.C. 20573 in an original and 15 copies as well as being mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY,  
Secretary.

[FR Doc.72-9449 Filed 6-21-72;8:52 am]

## FEDERAL POWER COMMISSION

[Docket No. RP72-141]

### ALGONQUIN GAS TRANSMISSION CO.

#### Notice of Proposed Changes in Rates and Charges

JUNE 15, 1972.

Take notice that Algonquin Gas Transmission Co. (Algonquin) on June 8, 1972,

tendered for filing proposed changes in its FPC Gas Tariff, Original Volume Nos. 1 and 2.<sup>1</sup> The proposed rate changes would increase Algonquin's revenues from jurisdictional sales and services by \$7,781,901 based on sales volumes for the 12-month period ended April 30, 1972. The proposed effective date for the foregoing tariff sheets is July 14, 1972. Algonquin requests the Commission to waive compliance with those parts of its rules and regulations to place the proposed increase rates in effect.

Algonquin states that the proposed rate increases are designed to only recoup an increase in purchased gas costs. Such increase in the cost of purchased gas results from the rate increase filed by Algonquin's sole supplier, Texas Eastern Transmission Corp. (Texas Eastern) on January 14, 1972, in Docket No. RP72-98, proposed to become effective February 13, 1972. Such rates were subsequently suspended until July 14, 1972, by Commission order issued February 11, 1972.

Copies of this filing were served on Algonquin's jurisdictional customers and interested State commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 30, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMBS,  
Secretary.

[FR Doc.72-9390 Filed 6-21-72;8:46 am]

[Docket No. CP72-267]

### COLORADO INTERSTATE GAS CO. AND COLORADO INTERSTATE CORP.

#### Notice of Application

JUNE 14, 1972.

Take notice that on May 22, 1972, Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (Applicant), Post Office Box 1087, Colorado Springs, CO 80901, filed in Docket No. CP72-267 a

<sup>1</sup> Original Volume No. 1:  
Sixth Substitute 27th Revised Sheets Nos. 5, 10, and 14.  
Substitute Sixth Revised Sheet No. 6.  
Substitute Seventh Revised Sheet No. 7.  
Substitute First Revised Sheets Nos. 8-A and 15-K.1.  
Sixth Substitute 28th Revised Sheets Nos. 11-A and 12.  
Fourth Substitute 23rd Revised Sheet No. 15-J.  
Substitute Fourth Revised Sheet No. 15-Q.  
Original Volume No. 2:  
Sixth Substitute 25th Revised Sheet No. 57.

budget-type application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(c) of the regulations under said Act, for a certificate of public convenience and necessity authorizing the construction, during the 12-month period commencing July 22, 1972, and operation of certain natural gas sales and transportation facilities to enable the Applicant to rearrange deliveries to existing customers in order to provide operational flexibility and convenience, 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 proposes to construct up to 10 new meter stations and mainline lateral taps for existing customers and to make up to three facility relocations for highway construction. Applicant asserts that it contemplates no miscellaneous gas facilities at this time but is requesting this authority for projects which may develop.

Applicant states that total cost of the facilities proposed is not to exceed \$100,000, with the cost of any single delivery point not to exceed \$20,000 and the cost of any single miscellaneous rearrangement not to exceed \$75,000. Applicant indicates that the proposed facilities will be financed from current working funds on hand, funds from operations, short-term borrowings or long-term financing.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 7, 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) and the regulations under the Natural Gas Act (18 CFR 157.10). 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.72-9391 Filed 6-21-72;8:46 am]

[Docket No. E-7733]

### HOLYOKE WATER POWER CO.

#### Notice of Proposed Changes in Rates and Charges

JUNE 15, 1972.

Take notice that Holyoke Water Power Co. (HWP) on May 30, 1972, tendered for filing proposed changes, consisting of Amendment No. 3 to Electric Service Agreement between HWP and City of Chicopee Municipal Lighting Plant (Chicopee) (dated December 1, 1964, as previously amended), HWP's FPC Rate Schedule No. 5. Chicopee has contracted to purchase portions of its electrical requirements from Vermont Yankee Nuclear Power Corp. and from Maine Yankee Nuclear Power Corp. and will no longer be a total-requirements customer of HWP. There will be no change in the rate for those requirements provided directly by HWP, other than the addition of a reactive demand charge for those services. The amendment tendered for filing has been executed to provide for other services, namely, back-up capacity, replacement energy, and subtransmission service (for which a reactive demand charge is also provided) for Chicopee's Vermont and Maine purchases. HWP requests that the proposed changes become effective simultaneously with the first commercial power production of Vermont Yankee or Maine Yankee Nuclear Power Corps., estimated to occur about July 1, 1972.

The proposed rate schedule has been served upon Chicopee.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 26, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.72-9392 Filed 6-21-72;8:46 am]

[Docket No. E-7471]

### KANSAS GAS AND ELECTRIC CO.

#### Notice of Supplemental Application

JUNE 15, 1972.

Take notice that by order issued April 22, 1969, and supplemented by or-

ders dated December 24, 1969 and February 23, 1971, the Commission authorized Kansas Gas and Electric Co. (Applicant) to issue promissory notes to banks and commercial paper to commercial paper dealers with final maturity dates not later than December 31, 1972, in an aggregate principal amount not to exceed \$30 million. On May 30, 1972, Applicant filed a supplemental application seeking an increase in the maximum outstanding amount from \$30 million to \$35 million and an extension of the final maturity date from December 31, 1972 to December 31, 1974. All other terms and conditions of the Commission's previous orders to remain the same.

Proceeds from the additional notes will be used by Applicant to provide greater flexibility in its financing program by making available additional working capital at a time of high interest costs on the bond market.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 26, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.72-9393 Filed 6-21-72;8:46 am]

[Docket No. E-7737]

### ORANGE AND ROCKLAND UTILITIES, INC.

#### Notice of Proposed Changes in Rates and Charges

JUNE 15, 1972.

Take notice that Orange and Rockland Utilities, Inc., on June 2, 1972, tendered for filing proposed changes in its contract with Rockland Electric Company (Rockland) and its agreement with Pike County Light and Power Company (Pike). Both Rockland and Pike are wholly owned subsidiaries of Orange and Rockland Utilities, Inc. The proposed changes would increase revenues from jurisdictional sales and service to Rockland by \$590,075 and to Pike by \$8,770,40. The proposed rate change with respect to Rockland is described in the company's transmittal letter as follows:

This letter agreement amends an outstanding contract between the parties providing for the sale of power by Orange and Rockland to its wholly owned subsidiary, Rockland Electric Co., on a cost of service basis.

The only change effected by the instant letter agreement affects the pricing provisions of Orange and Rockland Utilities, Inc. Rate Schedule F.P.C. No. 21, by increasing the return on investment in utility plant dedicated to the contract from 7½ percent to 9 percent, and by similarly increasing the interest rate applicable to late payment of bills. No additional facilities are required with respect to the new contract.

The charges under the contract are directly related to Orange and Rockland's cost of service, and the only change being made is the increase in the rate of return on investment.

The proposed rate change with respect to Pike is described in the company's transmittal letter as follows:

The agreement amends an outstanding agreement between the parties providing for the sale of power by Orange and Rockland Utilities, Inc. to its wholly owned subsidiary, Pike County Light and Power Co., on a cost of service basis.

The agreement amends the pricing provisions of Orange and Rockland Utilities, Inc.'s existing cost of service agreement with Pike County Light and Power Co. by increasing the rate of return on utility plant dedicated to the contract from 7½ percent to 9 percent. The new rate of return is the same as that which Orange and Rockland is requesting in a rate proceeding presently pending in New Jersey for service to its retail customers.

The charges under the contract are directly related to Orange and Rockland Utilities, Inc. cost of service, and the only change is the increase in the rate of return.

Orange and Rockland Utilities, Inc. requests that the instant letter agreements be made effective August 1, 1972.

Any person desiring to be heard or to protest said applications should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 26, 1972. Protests will be considered by the Commission in determining the appropriate actions to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of these applications are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.72-9394 Filed 6-21-72;8:47 am]

### SOUTHERN CALIFORNIA EDISON CO. Notice of Issuance of Annual License JUNE 15, 1972.

On June 16, 1969, Southern California Edison Co., Licensee for Lower Tule Project No. 372 located in Tulare County, Calif., on the middle Fork of Tule River, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6). Licensee also made supplemental filings pursuant to Commission Order No. 384 on February 9, 1970.

The license for Project No. 372 was issued effective December 31, 1941, for a period ending June 15, 1970. Since the original date of expiration the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending Commission action thereon it is appropriate and in the public interest to issue an annual license to Southern California Edison Co. for continued operation and maintenance of Project No. 372.

Take notice that an annual license is issued to Southern California Edison Co. (Licensee) under section 15 of the Federal Power Act for the period June 16, 1972, to June 15, 1973, or until Federal takeover or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Lower Tule Project No. 372, subject to the terms and conditions of its license.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.72-9395 Filed 6-21-72;8:47 am]

### FEDERAL RESERVE SYSTEM FIRST BANC GROUP OF OHIO, INC. Acquisition of Banks

First Banc Group of Ohio, Inc., Columbus, Ohio, 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 the First National Bank and Trust Company of Ravenna, Ravenna, Ohio; and

(2) To acquire 100 percent of the voting shares (less directors' qualifying shares) of the Liberty National Bank, Fremont, Ohio.

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 Cleveland. 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 10, 1972.

Board of Governors of the Federal Reserve System, June 16, 1972.

[SEAL] MICHAEL A. GREENSPAN,  
Assistant Secretary.

[FR Doc.72-9373 Filed 6-21-72;8:45 am]

### VIRGINIA COMMONWEALTH BANKSHARES, INC. Acquisition of Bank

Virginia Commonwealth Bankshares, Inc., Richmond, Va., 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 of Bank of Virginia-Eastern Shore, Onancock, Va., the successor by merger to The First National Bank in Onancock, Onancock, Va. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit his views in writing to the 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.72-9372 Filed 6-21-72;8:45 am]

### OFFICE OF EMERGENCY PREPAREDNESS

MICHIGAN

#### Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Michigan, dated April 5, 1972, and published April 11, 1972 (37 F.R. 7184), and amended May 11, 1972, and published May 18, 1972 (37 F.R. 10020), is hereby further amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 5, 1972:

The county of:  
Clinton.

Dated: June 19, 1972.

G. A. LINCOLN,  
Director,  
Office of Emergency Preparedness.  
[FR Doc.72-9413 Filed 6-21-72;8:49 am]

### WASHINGTON

#### Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Washington, dated June 10, 1972, and published June 15, 1972 (37 F.R. 11918), is hereby amended to include the following counties in addition to the county determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 10, 1972:

The counties of:  
Chelan Douglas

Dated: June 19, 1972.

G. A. LINCOLN,  
Director,  
Office of Emergency Preparedness.  
[FR Doc.72-9387 Filed 6-21-72;8:46 am]

# SECURITIES AND EXCHANGE COMMISSION

[70-5214]

## CONNECTICUT LIGHT AND POWER CO.

### Notice of Proposed Issue and Sale of First and Refunding Mortgage Bonds at Competitive Bidding

JUNE 16, 1972.

Notice is hereby given that the Connecticut Light and Power Co. (CL&P), Selden Street, Berlin, CT 06037, a public-utility subsidiary company of Northeast Utilities, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

CL&P proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, \$50 million principal amount of ----- percent of First and Refunding Mortgage Bonds, Series Y, due August 1, 2002. The interest rate (which shall be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to CL&P (which shall be not less than 99 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under the Indenture of Mortgage and Deed of Trust dated May 1, 1921, between CL&P and Bankers Trust Co., Trustee, as heretofore supplemented and amended and as to be further supplemented by a Supplemental Indenture to be dated as of August 1, 1972, and which contains a prohibition until August 1, 1977, against refunding the issue with the proceeds of funds borrowed at a lower effective interest cost.

The net proceeds from the issue and sale of the bonds will be used to repay a portion of short-term borrowings incurred in financing in part CL&P's construction program; such borrowings are expected to aggregate \$60 million at the time of the proposed bond sale. CL&P's 1972 construction program (estimated at \$130 million) will require an additional \$28 million of external financing which CL&P contemplates will be obtained temporarily through short-term borrowings and, subsequently, through additional long-term financing, the amount and timing of which have not been determined. Such additional financings will, to the extent necessary, be the subject of future filings with the Commission.

The fees and expenses incident to the proposed transaction will be filed by amendment. The filing states that the issue and sale of the bonds is subject to the approval of the Connecticut Public

Utilities Commission, and indicates that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than July 11, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.72-9377 Filed 6-21-72;8:46 am]

[File No. 500-1]

## COGAR CORP.

### Order Suspending Trading

JUNE 15, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$0.60 par value, of Cogar Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 16, 1972 through June 25, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.72-9378 Filed 6-21-72;8:46 am]

[70-5212]

## DELMARVA POWER & LIGHT CO.

### Notice of Proposed Issue and Sale of First Mortgage and Collateral Trust Bonds

JUNE 16, 1972.

Notice is hereby given that Delmarva Power & Light Co., 800 King Street, Wilmington, Delaware 19899 (Delmarva), a registered holding company and a public-utility company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Delmarva proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, \$30 million principal amount of first mortgage and collateral trust bonds, ----- percent Series due August 1, ----- . The proposed series of bonds will bear a single maturity date within the range of from 5 to 30 years, such maturity date to be determined not less than 72 hours prior to the opening of the bids. The interest rate (which shall be a multiple of 1/8 of 1 percent) and the price to be paid to Delmarva, exclusive of accrued interest, (which shall be not less than 100 percent nor more than 102.75 percent of the principal amount thereof) for the bonds will be determined by the competitive bidding. The bonds will be issued under a Mortgage and Deed of Trust, dated October 1, 1943, between Delmarva and Chemical Bank, successor trustee, as heretofore supplemented and as to be further supplemented by a 42d Supplemental Indenture to be dated as of August 1, 1972, which includes a prohibition until August 1, 1977, against refunding the issue with the proceeds of funds borrowed at a lower effective interest cost.

Delmarva will apply the proceeds from the sale of bonds toward the cost of its own construction and that of its two subsidiary companies including the retirement of all or a portion of any unsecured short-term notes and commercial paper issued prior to such sale. Construction expenditures for 1972 are estimated at \$120,591,851, including an "allowance for funds used during construction" of \$9,418,960.

The filing states that the issuance of the bonds is subject to the approval of the Public Service Commission of Delaware, and indicates that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. A statement of the fees and expenses to be incurred by Delmarva in connection with the sale of the bonds will be supplied by amendment.

Notice is further given that any interested person may, not later than July 12,

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 filed or as it may be 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.72-9379 Filed 6-21-72; 8:46 am]

[File No. 500-1]

### FIRST WORLD CORP.

#### Order Suspending Trading

JUNE 15, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the Class A and Class B common stock, \$0.15 par value, of First World Corporation 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 19, 1972 through June 28, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.72-9380 Filed 6-21-72; 8:46 am]

[File No. 500-1]

### LDS DENTAL SUPPLIES, INC.

#### Order Suspending Trading

JUNE 15, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common

stock, \$0.01 par value, of LDS Dental Supplies, 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 20, 1972 through June 29, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.72-9381 Filed 6-21-72; 8:46 am]

[70-5208]

### OHIO EDISON CO.

#### Notice of Proposed Issuance and Sale of Notes to Banks and Guaranty of Notes of Nonaffiliate Coal Company

JUNE 15, 1972.

Notice is hereby given that Ohio Edison Co., 47 North Main Street, Akron, OH 44308 (Ohio Edison), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Ohio Edison proposes that for the balance of 1972 the aggregate amount of short-term notes within the meaning of section 6(b) of the Act which the company may issue, renew, or guarantee, without prior approval of the Commission, be increased from 5 percent to 10 percent of the principal amount and par value of the other securities of the company then outstanding. It is stated that expenditures required in connection with Ohio Edison's construction program will require short-term bank borrowings of approximately \$35 million by August, 1972. A list of the lending banks and the interest rate to be paid will be filed by amendment.

Ohio Edison also proposes to guarantee up to \$19,557,600 of short-term borrowings of Quarto Mining Co. (Quarto) for the development of a new mine, Powhatan No. 4, in accordance with a 25-year agreement entered into in 1969. (See Holding Company Act Release No. 16905 (November 16, 1970)). Quarto, a subsidiary company of the North American Coal Corp., entered into a new 28-year agreement with Ohio Edison and certain other companies on November 30, 1971, to provide coal for those companies' jointly owned generating stations by continuing development of Powhatan No. 4 and other new mines. Pending the expected arrangement of long-term financing for development of Powhatan No. 4 and to provide funds for additional development of this mine and the other new mines, Quarto has obtained a commitment for up to \$40 million of short-

term financing guaranteed by the participating buyer companies.

It is stated that Ohio Edison presently expects to issue and sell \$60 million principal amount of its first mortgage bonds in early August 1972, and plans to repay its short-term bank borrowings at that time.

The fees and expenses in connection with the proposed transactions are estimated at \$3,700, including legal fee of \$1,500. The application states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested persons may, not later than 12 noon on June 29, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.72-9382 Filed 6-21-72; 8:46 am]

[70-5196]

### OHIO POWER CO.

#### Notice of Proposed Amendment of Articles of Incorporation

JUNE 16, 1972.

Notice is hereby given that Ohio Power Co., 301 Cleveland Avenue SW., Canton, Ohio 44701 (Ohio), a public-utility subsidiary company of American Electric Power Co., Inc., a registered holding company, has filed a declaration and amendments thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a)(2), 7, and 12(e) of the Act and Rule 62 promulgated thereunder as applicable to the following proposed

transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Ohio proposes to amend its Articles of Incorporation in order to increase the number of shares of cumulative preferred stock, par value \$100 per share, which it is authorized to issue from its present authorization of 1,700,000 shares (of which 1,362,403 shares are now outstanding) to 2,700,000 shares. It is stated that the increase in the number of shares is being sought in order that Ohio will be in a position to issue and sell, from time to time, additional series of cumulative preferred stock to facilitate the financing of its construction program. The present estimated cost of Ohio's construction program is approximately \$200 million for 1972. Ohio anticipates that if the proposed charter amendment is approved, the additional 1 million shares of preferred stock will be substantially utilized by the end of 1974.

Ohio intends to submit the proposed amendment of its Articles to its shareholders for their approval at a special meeting of shareholders to be held on July 31, 1972. In connection therewith, Ohio proposes to solicit proxies from the holders of its preferred stock through the use of solicitation material which sets forth the proposal in detail. The declaration states that the proposed amendment will require the affirmative vote of the holders of two-thirds of the outstanding shares of Ohio's common stock and of the holders of two-thirds of the outstanding shares of cumulative preferred stock, voting separately as a class. American Electric Power Co., Inc., holder of all of the outstanding shares of Ohio's common stock, has indicated that all such shares will be voted in favor of the proposed amendment.

The fees and expenses to be incurred in connection with the proposed transactions are estimated at \$19,700, including proxy solicitation fees of \$6,500. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Ohio has requested that the effectiveness of its declaration with respect to the solicitation of proxies from holders of its preferred stock be accelerated as provided in Rule 62.

Notice is further given that any interested person may, not later than July 12, 1972, request in writing that a hearing be held with respect to the proposed amendment, 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 pursuant to 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.

It appearing that the declaration regarding the proposed solicitation of proxies should be permitted to become effective forthwith pursuant to Rule 62:

*It is ordered,* That the declaration regarding the proposed solicitation of proxies be, and it hereby is, permitted to become effective forthwith pursuant to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.72-9383 Filed 6-21-72;8:46 am]

[File No. 500-1]

### TANGER INDUSTRIES Order Suspending Trading

JUNE 15, 1972.

The common stock, \$1 par value, of Tanger Industries being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Tanger Industries being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange 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 section 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 17, 1972 through June 26, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.72-9384 Filed 6-21-72;8:46 am]

[File No. 500-1]

### TOPPER CORP.

#### Order Suspending Trading

JUNE 15, 1972.

The common stock, \$1 par value of Topper Corporation being traded on the

American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Topper Corporation being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest, and for the protection of investors;

*It is ordered,* Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 18, 1972 through June 27, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.72-9385 Filed 6-21-72;8:46 am]

## SELECTIVE SERVICE SYSTEM REGISTRANTS PROCESSING MANUAL Temporary Instructions

The Registrants Processing Manual is an internal manual of the Selective Service System. Temporary Instructions constitute Appendix 2 of that Manual. The material contained in Temporary Instruction 632-8 is considered to be of sufficient interest to warrant publication in the FEDERAL REGISTER. Therefore Temporary Instruction 632-8 is set forth in full as follows:

### TEMPORARY INSTRUCTION 632-8

ISSUED: June 19, 1972.

SUBJECT: August 1972 Induction Period.

1. August 1972 induction call. Fully available registrants in Classes 1-A and 1-A-0 in the 1972 First Priority Selection Group with RSN 75 or below shall be ordered to report for induction in August. State Directors will schedule deliveries so that approximately 40 percent of the deliveries are made during the period August 1 through 4, 20 percent during the period August 7 through 11, 15 percent during the period August 14 through 18, 10 percent during the period August 21 through 25, and 15 percent during the period August 28 through 31.

Induction orders for the August induction call are to be issued beginning July 3, 1972, and not later than July 31, 1972. Nonvolunteers will be given at least 30 days' notice. Volunteers may be ordered at any time and no minimum notice is required. Registrants whose inductions have been postponed indefinitely or for a period of more than 40 days, either by authority of the Director or the State Director, or by the local board to complete an academic term or year, shall be given between 30 and 40 days' notice of their rescheduled reporting date. The rescheduled reporting date

shall be the earliest possible date following the expiration of the postponement. (Reference Parts 1631 and 1632, SSR; Chapters 631 and 632, RPM.)

2. *Student postponements.* Any registrant who is in attendance in summer school at the time his induction order is issued shall have his induction date postponed to the end of the summer term in which he is enrolled, unless such summer term will end before his scheduled induction date. (Reference Part 1632, SSR and Chapter 632, RPM.)

3. *Selections for alternate service.* Fully available registrants in Class 1-O in the 1972 First Priority Selection Group with RSN 75 or below will be selected for alternate service in lieu of induction. Selection notices will be issued beginning July 3, 1972, and not later than July 31, 1972. (Reference Part 1660, SSR.)

4. *Armed Forces examinations.* Registrants in the 1972 First Priority Selection Group, with RSN 100 or below, shall now be ordered for Armed Forces Examination. Registrants born in 1953, with RSN 50 or below, shall now be ordered for Armed Forces Examination. (Reference Part 1628, SSR; Chapter 628, RPM.)

5. *1-H administration processing cutoff for the 1972 First Priority Selection Group.* The temporary 1-H cutoff of RSN 200 for registrants born in 1952 or earlier which was established in Temporary Instruction 631-2 continues in effect. (Reference Part 1622, SSR; Chapter 622, RPM.)

6. *1-H administrative processing cutoff for registrants with 1953 year of birth.* RSN 100 is established as the 1-H cutoff for registrants born in 1953. Therefore, registrants born in 1953 who have RSN 101 or higher are eligible for Class 1-H, unless eligible for a lower class. Registrants born in 1953 who have RSN 1 through RSN 100 are no longer eligible for Class 1-H, and should be reclassified out of Class 1-H as soon as possible. (Reference Part 1622, SSR; Chapter 622, RPM.)

7. *Reclassification out of class 1-Y.* Reclassification of registrants out of Class 1-Y, retroactive to December 1971, will continue until all such classifications have been completed. (Reference Part 1622, SSR and Chapter 622, RPM.)

This Temporary Instruction will terminate on August 31, 1972.

BYRON V. PEPITONE,  
Acting Director.

JUNE 19, 1972.

[FR Doc.72-9453 Filed 6-21-72;8:52 am]

## SMALL BUSINESS ADMINISTRATION

[License No. 03/04-0029]

### AVIATION GROWTH INVESTMENTS, INC.

#### Notice of Filing of Application for Approval of Conflict of Interest Transaction

Notice is hereby given that Aviation Growth Investments, Inc., (Aviation)

7315 Wisconsin Avenue, Bethesda, Md. 20014, a Federal licensee under the Small Business Investment Act of 1958, as amended (Act), has filed an application with the Small Business Administration (SBA), pursuant to section 312 of the Act and covered by § 107.1004 of the SBA rules and regulations governing Small Business Investment Companies (13 CFR 107.1004 (1971)), for approval of a conflict of interest transaction falling within the scope of the above sections of the Act and regulations.

Subject to such approval, Aviation proposes to invest in Sunburst Homes Inc. (Sunburst), of Amelia, Va. Sunburst is a marketing company selling low and moderate income modular housing. Sunburst is not a speculative builder.

The proposed investment is brought within the purview of § 107.1004 of the regulations since Mr. K. Douglass Talley, President and majority stockholder of Sunburst is the brother-in-law of Aviation's president Mr. William P. Condon. The financing in the form of a convertible note is no more favorable in regard to its terms and conditions than other financings provided by Aviation to other small concerns.

Notice is hereby given that any interested person may, not later than 15 days from the date of publication of this notice submit to SBA, in writing, relevant comments on the proposed transaction. Any such communication should be addressed to the Associate Administrator for Operations and Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416. After expiration of the 15 days, SBA may dispose of this application on the basis of the information contained in the application, the comments (if any) which are received, and other relevant data.

Dated: June 9, 1972.

CLAUDE ALEXANDER,  
Associate Administrator for  
Operations and Investment.

[FR Doc.72-9375 Filed 6-21-72;8:45 am]

[License No. 04/04-5104]

### URBAN VENTURES, INC.

#### Notice of Issuance of License To Operate as a Minority Enterprise Small Business Investment Company

On April 19, 1972, a notice was published in the FEDERAL REGISTER (37 F.R. 7736), stating that Urban Ventures, Inc., 825 South Bayshore Drive, Miami, FL 33131, had filed an application with the Small Business Administration (SBA), pursuant to § 107.102 of the SBA rules and regulations governing small business investment companies (13 CFR 107.102 (1972)) for a license to operate as a minority enterprise small business investment company (MESBIC).

Interested parties were given to the close of business May 5, 1972, to submit their written comments to SBA.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 04/04-5104 to Urban Ventures, Inc., pursuant to section 301(c)

of the Small Business Investment Act of 1958, as amended.

Dated: June 13, 1972.

CLAUDE ALEXANDER,  
Associate Administrator for  
Operations and Investment.

[FR Doc.72-9376 Filed 6-21-72;8:45 am]

## INTERSTATE COMMERCE COMMISSION

### ASSIGNMENT OF HEARINGS

JUNE 19, 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 113678 Sub 431, Curtis, Inc., MC 115826 (Sub 219), W. J. Wigby, Inc., now assigned July 10, 1972, at San Francisco, Calif., will be held in Room 100, 100 McAllister Street, San Francisco, CA.

MC 22254 Sub 65, Trans-American Van Service, Inc., now assigned hearing June 20, 1972, at Washington, D.C., is canceled and application dismissed.

MC-C-7716, United Van Lines, Inc.—Investigation and revocation of certificate, now being assigned hearing August 9, 1972, at St. Louis, Mo. (2 days), in a hearing room to be later designated.

MC 107295 Sub 596, Pre-Fab Transit Co., now being assigned hearing August 11, 1972, at St. Louis, Mo., in a hearing room to be later designated.

MC 119777 Sub 199, Ligon Specialized Hauler, Inc., now being assigned hearing August 7, 1972 (2 days), at St. Louis, Mo., in a hearing room to be later designated.

MC 136002 Sub 1, Danielson Aviation, Inc., now being assigned hearing August 7, 1972, at Hartford, Conn., in a hearing room to be later designated.

MC 110479 Sub 25, Harper Truck Service, Inc., now being assigned hearing August 14, 1972 (1 week), at St. Louis, Mo., in a hearing room to be later designated.

MC 136224, Southern Transport, Inc., now being assigned hearing August 14, 1972 (1 week), at Jackson, Miss., in a hearing room to be later designated.

MC-C-7723, Bulk Haulers, Inc. v. Central Transport, Inc., now being assigned hearing August 8, 1972 (2 days), at Raleigh, N.C., in hearing room to be later designated.

MC 109294 Sub 18, Commercial Truck Co. Ltd., now being assigned hearing August 8, 1972 (3 days), at Olympia, Wash., in a hearing room to be later designated.

MC 120120 Sub 6, Canning Truck Service, Inc., now being assigned hearing August 8, 1972 (3 days), at Lincoln, Nebr., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.72-9457 Filed 6-21-72;8:53 am]

### EXEMPT MOTOR CARRIERS—SHORT NOTICE

*Order.* At a session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 12th day of May 1972.

It appearing, that, rail common carriers publishing substituted motor-for-rail service and joint motor-rail rates on movements of commodities exempt from economic regulation under section 203 (b) (6) of the Interstate Commerce Act are required, under Ex Parte No. 273, to publish the names of such participating motor carriers;

It further appearing, that, since such motor carriers are exempt from economic regulation under section 203 (b) (6) of the Interstate Commerce Act, requiring statutory notice to publish the names of such participating motor carriers in rail tariffs would be inconsistent with such provisions of the act and serve no useful purpose;

It further appearing, that special permission should be granted to rail carriers which enter into such joint motor-rail rates, or which substitute motor for rail service, in the manner considered in Ex Parte No. 273, concerning the transportation of commodities which are exempt from economic regulation under section 203 (b) (6) of the act, authorizing the publication of the "exempt" motor carrier's name on less than statutory notice;

And it further appearing, that, the general public will not be adversely affected by the issuance of such a special permission;

And for good cause shown:

It is ordered, That, rail common carriers and their tariff publishing agents are hereby authorized to publish and file the addition, deletion, or correction of the names of motor carriers who participate in joint motor-rail rates or participate in substitution of motor service for rail in the transportation of commodities, the movement of which is exempt from economic regulation under section 203 (b) (6) of the act, on 1 day's notice.

It is further ordered, That, publications issued hereunder shall be filed with the Commission, posted in the manner required by law, and shall bear the following notation:

"Issued on 1 day's notice; I.C.C. Per- mission No. 72-4750."

It is further ordered, That, relief granted herein expires with April 27, 1973.

It is further ordered, That, this permission does not modify any outstanding formal orders of the Commission, nor waive, except as herein authorized, any of the requirements of its rules relative to the construction and filing of tariff publications.

And it is further ordered, That, notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C.

By the Commission.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[FR Doc. 72-9455 Filed 6-21-72; 8:52 am]

[Notice 86]

### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS<sup>1</sup>

JUNE 16, 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 99427 (Sub-No. 16 TA), filed June 5, 1972. Applicant: ARIZONA TANK LINES, INC., Post Office Box 6910, 4715 West Buckeye Road, Phoenix, AZ 85005. Applicant's representative: William B. O'Morrow (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Corn syrup*, in bulk, in tank vehicles, from Albuquerque, N. Mex., to El Paso, Tex., for 180 days. Supporting shipper: Standard Brands Inc., 625 Madison Avenue, New York, NY 10022. Send protests to: Andrew V. Baylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 3427, Federal Building, Phoenix, Ariz. 85025.

No. MC 106674 (Sub-No. 94 TA), filed June 5, 1972. Applicant: SCHILLI MOTOR LINES, INC., Post Office Box 122, Delphi, IN 46923. Applicant's representative: Thomas R. Schilli (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Flour*, prepared mixes and bases for prepared mixes, in containers, from the facilities of the Peavey Company Flour Mill at Alton, Ill., to points in Florida, Georgia, Indiana, Kentucky, Michigan, Ohio, and Tennessee, and Hastings, Minn., and Milwaukee, Wis., for 180 days. Supporting shipper: Peavey Company Flour Mill, 145 West Broadway, Alton, IL 62002. Send protests to: District Su-

<sup>1</sup> 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.

pervisor J. H. Gray, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 107295 (Sub-No. 617 TA), filed June 6, 1972. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Post Office Box 146, Farmer City, IL 61842. Applicant's representative: Bruce J. Kinnee (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Ventilators, ventilator systems, parts, equipment, and accessories*, from the plantsite and warehouse facilities of Penn Ventilator Co., at Tabor City, N.C., to points in Ohio, Michigan, Kentucky, Illinois, Indiana, and Tennessee, for 180 days. Supporting shipper: Michael S. Bohrer, Traffic Manager, Penn Ventilator Co., Inc., 11th Street and Allegheny Avenue, Philadelphia, Pa. 19140. Send protests to: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 325 West Adams Street, Room 476, Springfield, IL 62704.

No. MC 111729 (Sub-No. 348 TA), filed June 5, 1972. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, audit and accounting media of all kinds*; (a) between Tiffin, Ohio, and Kokomo, Ind.; (b) between King of Prussia, Pa., on the one hand, and, on the other, Atlantic City, Cape May, Edison, Elizabeth, Montclair, Newark, New Brunswick, Paterson, Princeton, Saddlebrook, Trenton, and Willingboro, N.J.; and New York, N.Y.; (c) between Indianapolis, Ind., on the one hand, and, on the other, Ashland, Bowling Green, Covington, Erlanger, Frankfort, Henderson, Lexington, Louisville, Madisonville, Owensboro, Paducah, and Shively, Ky.; (2) *small computer parts, business machine parts, assemblies and supplies pertaining thereto*, restricted to articles or packages weighing in the aggregate less than 100 pounds, from one consignee to one consignee on any day, between Holland, Ohio, on the one hand, and, on the other, Buffalo, N.Y.; Chicago, Ill.; St. Louis, Mo.; and Milwaukee, Wis., and points in Michigan, Indiana, Kentucky, Pennsylvania, and West Virginia; and (3) *blood, urine and tissue specimens, and documents pertaining thereto*, between King of Prussia, Pa., on the one hand, and, on the other, Atlantic City, Cape May, Edison, Elizabeth, Montclair, Newark, New Brunswick, Paterson, Princeton, Saddlebrook, Trenton and Willingboro, N.J.; and New York, N.Y., for 180 days. Supporting shippers: American Standard—Plumbing and Heating Division, Post Office Box 279, Tiffin, Ohio 44883; Bio-Medical Laboratories, Inc., 491 Allendale Road, King of Prussia, PA; Allstate Insurance Co., 250 North Shadeland Drive, Indianapolis, IN 46219; Burroughs Corp., Second Avenue, Detroit, MI 48232. Send protests to:

Thomas W. Hopp, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 112391 (Sub-No. 36 TA), filed June 6, 1972. Applicant: HADLEY AUTO TRANSPORT, 7428 Paramount Boulevard, Post Office Box 96, Pico Rivera, CA 90660. Applicant's representative: Phil Jacobson, 510 West Sixth Street, Los Angeles, CA. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, and chassis* in secondary movement by truckaway, from Port of Richmond, Calif., to points in Oregon and Nevada, under a continuing contract with Ford Motor Co., for 180 days. Supporting shipper: Ford Marketing Corp., Ford Division, Rotunda Drive at Southfield, Post Office Box 1558, Dearborn, MI 48121. Send protests to: John E. Nance, Officer in Charge, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 116073 (Sub-No. 244 TA), filed June 5, 1972. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Post Office Box 919, 1825 Main Avenue, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete or in sections, from points in Pipestone County, Minn., to points in North Dakota, South Dakota, Nebraska, Iowa, Wisconsin, Montana, Colorado, and Wyoming, for 180 days. Supporting shipper: Modular Structures, Inc., Skyway Industrial Park, Pipestone, Minn. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 2340, Fargo, ND 58102.

No. MC 117698 (Sub-No. 12 TA), filed June 7, 1972. Applicant: LEO H. SEARLES, doing business as L. H. SEARLES, South Worcester, N.Y. 12197. Applicant's representative: Harold C. Vrooman, 140 Main Street, Oneonta, NY. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cheese and cheese products*, from Andes, N.Y., to Lebanon, Pa.; (2) *ice cream, ice cream products, ice confections, ice mix, and fruit punch*, from Suffield, Conn., to Albany, Rensselaer, Troy, Schenectady, Waterford, Saratoga, Glen Falls, and Mount Kisco, N.Y.; Allentown, Pa.; Woodstown, N.J.; Landover and College Park, Md.; Dayton and Toledo, Ohio, and Fairfax, Va.; and from Laurel, Md., Philadelphia and Scranton, Pa., to Oneonta, N.Y.; and (3) *return of pallets*, from Oneonta, N.Y., to Laurel, Md., Philadelphia and Scranton, Pa., for 180 days. Supporting shippers: Andes Cooperative Creamery, Inc., Andes, N.Y.; H. P. Hood & Sons, Inc., Agawam, Mass.; Simonson Bros. Ice Cream Co., Inc., Oneonta, N.Y. Send protests to: Joseph M. Barnini, District Supervisor, Interstate Commerce Commission, Bureau of

Operations, 518 New Federal Building, Albany, N.Y. 12207.

No. MC 119777 (Sub-No. 243 TA), filed June 5, 1972. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Box L, Highway 85 East, Madisonville, KY 42431. Applicant's representative: Louis J. Amato (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphatic feed ingredients*, in bags, from the plantsite of Occidental Chemical Co., Occidental, Fla., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, Delaware, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, for 180 days. Supporting shipper: Mike Gonzales, Supervisor-Motor Transportation, Occidental Chemical Co., Post Office Box 1185, Houston, TX 77001. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 119934 (Sub-No. 181 TA), filed June 2, 1972. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, IN 46040. Applicant's representative: Jerry F. Crouch (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, dry, in bulk, in tank vehicles, from Refinery St. Bernard Parish, Chalmette, La., to San Antonio, Tex., for 180 days. Supporting shipper: Amstar Corp., 132 North Peters Street, New Orleans, LA 70130. Send protests to: District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, Room 802 Century Building, 36 South Pennsylvania Street, Indianapolis, IN 46204.

No. MC 134449 (Sub-No. 5 TA), filed May 30, 1972. Applicant: LESTER V. MOZNIX, 3753 Grandview Highway, Burnaby, BC, Canada. Applicant's representative: Joseph O. Earp, 411 Lyon Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Kitchen cabinets, counter tops, and parts thereof*, from the international boundary line between the United States and Canada at or near Blaine, and Sumas, Wash., Kingsgate, British Columbia, and East Port, Idaho, Coutts, Alberta, and Sweetgrass, Mont., to points in Washington except King and Pierce Counties, and to points in Oregon, Idaho, Wyoming, Utah, Colorado, and Montana, for 180 days. Supporting shipper: Crestwood Kitchens, Ltd., 225 North 5 Road, Richmond, BC, Canada. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 135012 (Sub-No. 2 TA), filed May 25, 1972. Applicant: AERO LIQUID TRANSIT, INC., 834 West Main Street, Lowell, MI 49331. Applicant's representative: Vern Pettengill (same address as above). Authority sought to operate as

a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from points in Cook County, Ill., Lake and Vigo Counties, Ind., and Bergen and Passaic Counties, N.J., to the plantsite of Amway Corp., at Ada, Mich., for 180 days. Supporting shipper: Alvin Koop, Regional Warehouse and Traffic Manager, Amway Corp., 7575 East Fulton Road, Ada, MI 49301. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 135537 (Sub-No. 5 TA), filed May 31, 1972. Applicant: METRO HEAVY HAULING, INC., 20848 77th Avenue South, Kent, WA 98031, Post Office Box 88824, Takwila Branch, Seattle, WA 98188. Applicant's representative: Mike V. Chimenti (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Construction equipment, materials, and supplies*, between various points in Washington, Oregon, and California, for 180 days. Supporting shipper: The Ceco Corp., 5601 West 26th Street, Chicago, IL 60650. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 135698 (Sub-No. 7 TA), filed May 30, 1972. Applicant: GERALD E. AMUNDSON, doing business as JERRY AMUNDSON TRUCKING, Rural Route 3, New Richmond, Wis. 54017. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone*, from Roberts, Wis., to points in Minnesota, for 180 days. Supporting shipper: F. Hurlbut Co., Green Bay, Wis. Send protests to: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 136695 (Sub-No. 1 TA), filed May 22, 1972. Applicant: ROY WORMINGTON, doing business as SOUTHEAST CARTAGE, 7209 East 87th Street, Kansas City, MO 64138. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods, commodities in bulk, and commodities requiring special equipment), between Kansas City, Missouri-Kansas City, Kans., commercial zone and Weston, Mo., over all streets in Kansas City, Mo., and Kansas City, Kans., connecting with Missouri Highway 45, thence on Missouri Highway 45 to Weston, Mo., and return over the same route, for 180 days. Supporting shippers: Sandell Variety Store, Weston, Mo.; Sebus Brothers, Weston, Mo.; Rumpel Hardware, Appliance & Furniture, 509 Main, Weston, MO; Charlies Furniture Clinic, 511 Main, Weston, MO; Quinley Paint & Supply, 419 Main, Weston, MO; Judith R. Graves, 602 Fifth Street,

Weston, MO 64098; B & B Appliance, 406 Main, Weston, MO 64098. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 136721 (Sub-No. 1 TA), filed June 5, 1972. Applicant: FREEMAN C. COREY, doing business as FREEMAN C. COREY & SON, R.F.D. No. 1, Washburn, Maine 04786. Applicant's representative: John M. Cleary, 914 Washington Building, 15th Street and New York Avenue, NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid potato starch*, in bulk, in tank vehicles, from the international boundary at the port of entry at Houlton, Maine to Houlton, Maine, for 180 days. Supporting shipper: A. E. Staley Manufacturing Co. 2200 Eldorado Street, Decatur, IL 62525. Send protests to: Donald G. Weiler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 307, 76 Pearl Street, Post Office Box 167 PSS, Portland, ME 04112.

No. MC 136752 TA, filed June 1, 1972. Applicant: WALTER V. CECI, doing business as MARINER MARINE TRANSPORT, 8211 Lankershim Boulevard, North Hollywood, CA 91605. Applicant's representative: Seymour Fried, 9808 Wilshire Boulevard, Beverly Hills, CA 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Boats and supplemental equipment and accessories, such as motors, trailers, etc.* from North Hollywood, Calif., to all States except Alaska and Hawaii, for 180 days. Supporting shipper: Catalina Yachts, Inc. 8211 Lankershim Boulevard, North Hollywood, CA 91605. Send protests to: District Supervisor Philip Yallowitz, Bureau of Operations, Interstate Commerce Commission, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 136755 TA, filed June 2, 1972. Applicant: ROBERT L. MACON, 1501 Edgebrook Drive, Garner, NC 27529. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Structural clay products and related manufacturing equipment* belonging to Boren Clay Products, between points in North Carolina and South Carolina, on the one hand, and, on the other, all States or portions thereof east of the Mississippi River, for 180 days. Supporting shipper: Boren Clay Products Co., Pleasant Garden, N.C. 27313. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 26896, Raleigh, NC 27611.

No. MC 136779 TA, filed June 5, 1972. Applicant: TRUMBULL TRANSFER, INC., 150-26, 125th Street, South Ozone Park, NY 11420. Applicant's representative: Anthony V. Bacarella (same address as above). Authority sought to operate

as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Swimwear, lounge garments, and accessories and commodities* used in the manufacture thereof, between Peter Pan Swimwear International Division of U.S. Industries, Inc., 226 Cherry Street, Bridgeport, Conn., on the one hand, and, on the other, points in New York City, commercial zone, and Nassau County, N.Y., for 180 days. Supporting shipper: Peter Pan Division of U.S. Industries, Inc., 226 Cherry Street, Bridgeport, CT. Send protests to: Thomas W. Hopp, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.  
[FR Doc.72-9456 Filed 6-21-72;8:53 am]

[Notice 50]

### MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

JUNE 16, 1972.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247<sup>1</sup> of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER, issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served

<sup>1</sup> Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER, issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 2202 (Sub-No. 407), filed May 17, 1972. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, OH 44309. Applicant's representative: James W. Conner, Post Office Box 471, Akron, OH 44309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Implementations, tools, hardware, and houseware handles*, from Diboll, Tex., to points in Alabama, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Mississippi, Nebraska, Ohio, Oklahoma, Tennessee, Wisconsin, and West Virginia. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 5470 (Sub-No. 67), filed May 10, 1972. Applicant: TAJON, INC., Rural Delivery No. 5, Post Office Box 146, Mercersburg, PA 16137. Applicant's representative: Donald Cross, Munsey Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, granular refractories, ores, minerals, and exothermic materials*, in dump vehicle, between Wilmington, Del., on the one hand, and, on

the other, points in the United States (except Alaska and Hawaii, and points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties, N.J.). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicate authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Buffalo, N.Y.

No. MC 9050 (Sub-No. 33), filed May 9, 1972. Applicant: SEGER BROS., a corporation, Hillside Avenue, Kenil, N.J. 07847. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Blasting materials and blasting supplies*, between McAdory, Ala., on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, under contract with Hercules, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 20783 (Sub-No. 88), filed May 17, 1972. Applicant: TOMPKINS MOTOR LINES, INC., 638 Langley Place, Decatur, GA 30030. Applicant's representative: John P. Carlton, 327 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), moving in vehicles equipped with mechanical refrigeration, from points in Davidson County, Tenn., to points in Kentucky, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Ohio, Indiana, Michigan, Pennsylvania, Virginia, West Virginia, and Maryland. NOTE: Applicant states it intends to tack the authority sought with presently held authority under its basic certificate No. MC 20783. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 29886 (Sub-No. 281), filed May 9, 1972. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, IN 46621. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies* moving in connection therewith from Chattanooga, Tenn., to points in Maryland, New Jersey, New York, Pennsylvania, Ohio, Michigan, Indiana, Illinois, Wisconsin, Missouri, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, and Kansas. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority in connection with Subs 184, 189, 208, 55, 122. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chattanooga, Tenn.

No. MC 30844 (Sub-No. 409), filed May 18, 1972. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, IA 50704. Applicant's representative: Truman A. Stockton, Jr., 1650 Grant Street Building, Denver, CO. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packing-houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from Fremont and Nebraska City, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to shipments originating at the plantsites and facilities of American Beef Packers, Inc., at the above-named origins. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Denver, Colo.

No. MC 30844 (Sub-No. 410), filed May 18, 1972. Applicant: TAKIN BROS. FREIGHT LINE, INC., 2125 Commercial Street, Waterloo, IA 50704. Applicant's representative: Truman A. Stockton, Jr., 1650 Grant Street Building, Denver, CO. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Forest City, Iowa, as an off-route point in conjunction with carrier's authorized regular route operations. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked to regular route authorities held by applicant at Mason City, Iowa. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Minneapolis, Minn.

No. MC 30844 (Sub-No. 411), filed May 30, 1972. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, IA 50704. Applicant's representative: Truman A. Stockton, Jr., 1650 Grant Street Building, Denver, CO. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Deerfield and Chicago, Ill., to points in Maine, New Hampshire, Vermont, Virginia, and West Virginia, restricted to shipments originating at the plantsites and facilities of Kitchens of Sara Lee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 35807 (Sub-No. 24), filed May 16, 1972. Applicant: WELLS

FARGO ARMORED SERVICE CORPORATION, Post Office Box 4313, Atlanta, GA 30302. Applicant's representative: Harry J. Jordan, 1000 16th Street NW, Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Checks, business records, audit and accounting media*, between El Paso, Tex., on the one hand, and, on the other, points in Dona Ana, Otero, Lincoln, Chaves, Eddy, Luna, Hidalgo, Grant, and Sierra Counties, N. Mex., under contract with Financial Computer Services, Inc. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Santa Fe, N. Mex., or Atlanta, Ga.

No. MC 41635 (Sub-No. 48), filed May 10, 1972. Applicant: DEALERS TRANSPORT COMPANY, a corporation, 1368 Riverside Boulevard, Post Office Box 2482, Desota Station, Memphis, TN 38102. Applicant's representative: Charles H. Hudson, Jr., 601 Stahlman Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, buses, and trucks*, in secondary movements by driveway and truckaway, from Baton Rouge, La., to Tulsa and Oklahoma City, Okla., Overland Park and Wichita, Kans., and San Antonio, Lubbock, Irving, Houston, Fort Worth, Dallas, Beaumont, Corpus Christi, Amarillo, Arlington, and Abilene, Tex. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Baton Rouge or New Orleans, La., or Memphis, Tenn.

No. MC 42487 (Sub-No. 792), filed May 22, 1972. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Applicant's representative: V. R. Oldenburg, Post Office Box 5138, Chicago, IL 60680. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) Between Madison, and Greensboro, Ga., serving no intermediate points; from Madison over U.S. Highway 278 to Greensboro and return over the same route; and (2) Between Athens and Greensboro, Ga., serving no intermediate points: From Athens over combination highways U.S. Highway 129 and U.S. Highway 441 to Watkinsville, Ga., thence over Georgia Highway 15 to Greensboro, and return over the same route. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 48958 (Sub-No. 114), filed May 26, 1972. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver, CO 80216. Applicant's representative: Robert W. Wright, Jr., Post Office Box 16404, Denver, CO 80216. Authority sought to operate as a *common carrier*, by motor vehicle, over

regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Salt Lake City, Utah, and San Francisco, Calif., (a) from Salt Lake City, Utah, over U.S. Highway 40 (also Interstate Highway 80) to San Francisco, Calif., and return over the same route; and (b) from Salt Lake City, Utah, over U.S. Highway 40 (also Interstate Highway 80) to junction U.S. Highway Alternate 50, near Wendover, Nev., thence over U.S. Highway Alternate 50 to Ely, Nev., thence over U.S. Highway 50 to San Francisco, Calif.; (also from junction U.S. Highway 50 and U.S. Highway Alternate 95, near Fallon, Nev., to junction U.S. Highway Alternate 95 and U.S. Highway 40 (also Interstate Highway 80) near Farnley, Nev., over U.S. Highway Alternate 95) and return over the same routes, serving all intermediate points and the off-route point of Tooele, Utah; and (2) between Salt Lake City, and Ogden, Utah, from Salt Lake City, Utah, over U.S. Highway 89 (also Interstate Highway 15) to Ogden, Utah, and return over the same route, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Salt Lake City, Utah.

No. MC 51146 (Sub-No. 275), filed May 9, 1972. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, WI 54304. Applicant's representative: Charles Singer, 33 North Dearborn, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, plastic products, and products produced or distributed by manufacturers and converters of paper, and paper products, and plastic products* (except commodities in bulk), from Sheldon, Tex., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Mississippi, Tennessee, Kentucky, Illinois, Wisconsin, Michigan, Indiana, Ohio, South Carolina, North Carolina, Virginia, West Virginia, Pennsylvania, New York, Massachusetts, Connecticut, Rhode Island, New Jersey, Maryland, Delaware, and the District of Columbia. NOTE: Common control may be involved. Applicant states that the requested authority could be tacked with various subs of its authority under MC 51146, and will tack where feasible, but does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 51146 (Sub-No. 276), filed May 10, 1972. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, WI 54304. Applicant's representative: Charles Singer, 33 North Dearborn, Chicago, IL 60602. Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, plastic products, and products produced or distributed by manufacturers and converters of paper and paper products, and plastic products* (except commodities in bulk), from Birmingham, Ala., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Arkansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Michigan, Ohio, Indiana, Kentucky, and Tennessee. NOTE: Common control may be involved. Applicant states that the requested authority could be tacked with various subs of its authority under MC 51146, and will tack where feasible, but does not identify the points or territories which can be served the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 51146 (Sub-No. 278), filed May 18, 1972. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, WI 54304. Applicant's representative: Charles Singer, 33 North Dearborn, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Equipment, materials, and supplies* used in the production and distribution of cellulose materials and products, and paper and paper products, from points in New Jersey to the plantsites of Charmin Paper Products Co. at Cheboygan, Mich., and near Neely's Landing, Mo. NOTE: Applicant states that the requested authority could be tacked with various subs of MC 51146 and applicant will tack with its MC 51146 where feasible. Applicant has various duplicative items of authority under various subs but does not seek duplicative authority. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 51146 (Sub-No. 277), filed May 10, 1972. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, WI 54304. Applicant's representative: Charles Singer, 33 North Dearborn, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, plastic products, and products produced or distributed by manufacturers and converters of paper and paper products, and plastic products* (except commodities in bulk), from Dallas, Tex., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Arkansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Michigan, Ohio, Indiana, Kentucky, and Tennessee. NOTE: Common control may be involved. Applicant states that the requested authority could be tacked with various subs of MC 51146, and will tack where feasible, but does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned

that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 52587 (Sub-No. 11), filed May 17, 1972. Applicant: O. K. MOTOR SERVICE, INC., 3400 South Pulaski Road, Chicago, IL 60623. Applicant's representative: Allan B. Torhorst, 217 East Jefferson Street, Post Office Box 307, Burlington, WI 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the town of Bristol, Kenosha County, Wis., west of U.S. Highway 45, points in Racine County, Wis., west of U.S. Highway 45, points in Walworth County, Wis., and points in Waukesha County, Wis. (except Waukesha). NOTE: Applicant states it intends to tack its existing authority over at the town of Bristol, Kenosha County, Wis., to provide service between points otherwise authorized to it. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 53965 (Sub-No. 85), filed May 8, 1972. Applicant: GRAVES TRUCK LINES, INC., 739 North 10th, Salina, KS 67401. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Wilson Certified Foods, Inc., at Marshall, Mo., to points in Colorado, Kansas, and Nebraska, restricted to traffic originating at Marshall, Mo., and destined to points in the above-named States. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 59668 (Sub-No. 6), filed May 18, 1972. Applicant: HAROLD G. CLINE, INC., Post Office Box 352, Harding Highway and Dupont Road, Penns Grove, NJ 08069. Applicant's representative: M. Bruce Morgan, 201 Azar Building, Glen Burnie, Md. 21061. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Solidified carbon dioxide*, in boxes, containers, or in insulated boxes, or insulated trailers, (a) from Gibbstown, N.J., to Thompsonville, Conn.; (b) from Philadelphia, Pa., to Boston, Mass.; Newark and Carney, N.J., New York, N.Y., and Thompsonville, Conn.; (c) from Gibbstown, N.J., to Stratford, Conn., and (d) between Hopewell, Va., and Newark, N.J., under contract with Thermice

Corp., division of Publicker Industries; Cardox, division of Chemtron Corp., and Airco Industries Gases, division of Airco, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Wilmington, Del., Philadelphia, Pa., or Washington, D.C.

No. MC 68100 (Sub-No. 16), filed April 27, 1972. Applicant: D. P. BONHAM TRANSFER, INC., 318 South Adeline, Bartlesville, OK 74003. Applicant's representative: D. D. Brunson, 419 Northwest Sixth, Oklahoma City, OK 73102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Pumps, oil well pumping units, machinery, materials, and equipment*, used in the distribution, installation, or manufacture of well pumping units, from points in Louisiana, Mississippi, Georgia, Alabama, Florida, North Dakota, South Dakota, Nebraska, California, Utah, and Alaska to Bartlesville, Okla. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla., Dallas, Tex., or Oklahoma City, Okla.

No. MC 73688 (Sub-No. 55), filed May 12, 1972. Applicant: SOUTHERN TRUCKING CORPORATION, 1500 Orenda Avenue, Post Office Box 7182, Memphis, TN 38107. Applicant's representative: Charles H. Hudson, Jr., 601 Stahlman Building, Nashville, Tenn. 37201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Unfinished metal castings or molds*, from the plantsite of Central Foundry Co., at Holt, Ala., to points in Missouri, Kentucky, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Mississippi, Louisiana, Texas, Tennessee, Arkansas, and Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 73668 (Sub-No. 56), filed May 22, 1972. Applicant: SOUTHERN TRUCKING CORPORATION, 1500 Orenda Avenue, Memphis, TN 38107. Applicant's representative: Charles H. Hudson, Jr., 601 Stahlman Building, Nashville, Tenn. 37201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plywood*, from Memphis, Tenn., to points in Alabama. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 75830 (Sub-No. 10), filed May 15, 1972. Applicant: INTER-CITY TRANSPORT & MOTOR COMPANY, a

corporation, Post Office Box 88, Buckhannon, WV 26201. Applicant's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by retail drug and variety stores and equipment, materials, and supplies*, used in the conduct of such business, between points in O'Hara Township, Allegheny County, on the one hand, and, on the other, points in Indiana, Illinois, Kentucky, Maryland, the Lower Peninsula of Michigan, Minnesota, Ohio, Pennsylvania, Tennessee, and Wisconsin. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Thrift Drug Division of J. C. Penney Co., Inc., of New York, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 83539 (Sub-No. 342), filed May 17, 1972. Applicant: C & H TRANSPORTATION CO., INC., 1936 2010 West Commerce Street, Post Office Box 5976, Dallas, TX 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Pipe and pipe fittings, cast iron meter boxes, manhole frames and manhole covers*, except those which because of size or weight require the use of special equipment, and except pipe and pipe fittings such as are included in the first findings of the Commission in *T. E. Mercer and G. E. Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459, 543, from Swan, Tex., to points in Arizona, Colorado, Florida, Montana, Nebraska, New Mexico, North Dakota, South Dakota, Utah, and Wyoming. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 83539 (Sub-No. 343), filed May 23, 1972. Applicant: C & H TRANSPORTATION CO., INC., 1936 2010 West Commerce Street, Post Office Box 5976, Dallas, TX 75222. Applicant's representative: Thomas E. James (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Circuit breakers* the transportation of which because of size or weight requires the use of special equipment and (2) *circuit breaker parts* when moving in mixed loads with the articles described in (1), from the plantsite and storage facilities of I.T.E. Imperial Corp. (Power and Circuit Breaker Division) at Downey, Calif., to points in the United States

(except California and Hawaii). Applicant is authorized by certificate No. MC 83539 Sub 287 to provide from the supporting shipper's plantsite and facilities at Los Angeles, Calif., the identical services here sought to be authorized from Downey, Calif., to which points said plant and facilities are being moved. NOTE: Common control may be involved. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 83539 (Sub-No. 344), filed May 22, 1972. Applicant: C & H TRANSPORTATION CO., INC., 1936 2010 West Commerce Street, Post Office Box 5976, Dallas, TX 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from Flagstaff, Fredonia, and Winslow, Ariz., and Panguitch, Utah, to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Ohio, Tennessee, and Wisconsin. NOTE: Applicant states tacking is possible, but not intended at this time. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., or Dallas, Tex.

No. MC 94350 (Sub-No. 313), filed May 24, 1972. Applicant: TRANSIT HOMES, INC., Post Office Box 1628, Haywood Road, Greenville, SC 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial shipments, from points in Christian County, Ky., to points in the United States east of the Montana, Wyoming, Colorado, New Mexico boundary line. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 105813 (Sub-No. 186), filed May 11, 1972. Applicant: BELFORD TRUCKING CO., INC., 3500 Northwest 79th Avenue, Miami, FL 33146. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from New Hampton, Iowa, to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee, restricted to shipments originating at the plantsites and facilities of

Kitchens of Sara Lee at New Hampton, Iowa. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 106398 (Sub-No. 603), filed May 15, 1972. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Rockingham County, N.C., to points in the United States (except Alaska and Hawaii). NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Winston-Salem or Charlotte, N.C.

No. MC 106398 (Sub-No. 605), filed May 10, 1972. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Henderson County, Tenn., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis or Nashville, Tenn.

No. MC 106398 (Sub-No. 606), filed May 10, 1972. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass*, flat, from Carleton, Mich., to points in the United States (except Alaska and Hawaii), restricted to traffic originating at point of manufacture. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 106398 (Sub-No. 607), filed May 10, 1972. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ceiling suspension systems, including furring, studding, lathing, and ribbing accessories, materials, and supplies* used in the installation of furring, studding,

lathing, and ribbing (except lumber and commodities in bulk), from Glen Burnie, Md., to points in Connecticut, Delaware, Florida, Georgia, Maine, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia, (2) *materials* used in the manufacture of the foregoing commodities, between Glen Burnie, Md., and Chicago, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Baltimore, Md.

No. MC 106497 (Sub-No. 69), filed May 26, 1972. Applicant: PARKHILL TRUCK COMPANY, a corporation, Post Office Box 912, Joplin, MO 64801. Applicant's representative: A. N. Jacobs, Post Office Box 113, Joplin, MO 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and plastic tubing, parts, attachments, and accessories* moving in connection therewith, from the plantsite of Tex-Tube Division Detroit Steel Corp., a division of Cyclops Corp. located in Houston, Tex., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 106644 (Sub-No. 141), filed May 30, 1972. Applicant: SUPERIOR TRUCKING COMPANY, INC., Post Office Box 916, Atlanta, GA 30301. Applicant's representative: Duane W. Acklie, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduits or pipe plastic; fittings, plastic or iron; couplings, plastic or iron; connections, plastic or other than plastic; valves, other than plastic; hydrants, other than plastic and materials and supplies* necessary for the installation thereof, from Clow Corp. plantsites and warehouse facilities near Buckhannon, W. Va., to points in Arkansas, Louisiana, Oklahoma, Missouri, Texas, Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and Kentucky. NOTE: Applicant holds contract carrier authority under MC 104724 (Sub-13), therefore dual operations and common control may be involved. Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107515 (Sub-No. 802), filed May 12, 1972. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* as defined by the Commission (except hides and commodities in bulk), from Augusta, Ga., to Scranton, Pa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 108341 (Sub-No. 30), filed May 15, 1972. Applicant: MOSS TRUCKING COMPANY, INC., Post Office Box 8409, Charlotte, NC 23208. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Turbines, steam condensers, feed water heaters, weldments and heat exchangers*; (2) *parts of the commodities* in (1) above, and (3) *iron and steel castings and forgings*, between Chester, Eddystone, Essington, and Philadelphia, Pa.; Wilmington, Del., Charlotte, N.C., on the one hand, and, on the other, points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 108676 (Sub-No. 47), filed May 26, 1972. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chocomauga Avenue NE., Knoxville, TN 37917. Applicant's representative: Carl U. Hurst, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel buildings*, knocked down, and *component parts* for iron and steel buildings, from the plantsite of A & S Steel Building, Division of U.S. Industries, Inc., in Campbell County, Tenn., to points in the United States (except Hawaii); and (2) *materials, equipment and supplies* (except commodities in bulk) used in the manufacture and distribution of iron and steel buildings and component parts of iron and steel buildings, from points in the United States (except Hawaii) to the plantsite of A & S Steel Building, Division of U.S. Industries, Inc., in Campbell County, Ill. NOTE:

Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 110420 (Sub-No. 658), filed May 18, 1972. Applicant: QUALITY CARRIERS, INC., Post Office Box 186, Pleasant Prairie, WI 53158. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverage base*, in bulk, in tank vehicles, from Chicago, Ill., to Marshall, Minn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110817 (Sub-No. 18), filed May 25, 1972. Applicant: E. L. FARMER & COMPANY, a corporation, Post Office Box 3512, Odessa, TX 79760. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, tubing, pipe fittings, and pipe accessories*, in straight mixed truckloads, from Lone Star, Tex., and points within 5 miles thereof, on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, Colorado, Florida, Illinois, Kansas, Louisiana, Mississippi, Missouri, Montana, Nevada, New Mexico, Oklahoma, Tennessee, Texas, Utah, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is being sought. A motion to dismiss has been filed concurrently herewith. If a hearing is deemed necessary, applicant requests it be held at Dallas or Fort Worth, Tex.

No. MC 111812 (Sub-No. 476), filed May 26, 1972. Applicant: WEST COAST TRANSPORT, INC., 405 1/2 East Eighth Street, Post Office Box 1233, Sioux Falls, SD 57101. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectioneries and advertising material, display racks and premiums* used in the sale and distribution of confectioneries and novelties moving with confectioneries; peanuts, shelled, roasted, nuts edible and potatoes cooked and shredded; when moving with confectioneries, from Chicago, Ill., to points in Washington, Oregon, Idaho, Montana, California, Nevada, Arizona, and Salt Lake City, Utah. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112148 (Sub-No. 55), filed May 11, 1972. Applicant: POWERS TRANSPORTATION, INC., Post Office Box 87, Storm Lake, IA 50588. Appli-

cant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Dakota City and West Point, Nebr., Denison, Fort Dodge, Le Mars, and Mason City, Iowa, and Luverne, Minn., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, restricted to traffic originating at the plantsites and storage facilities of Iowa Beef Processors, Inc., at or near the named origins. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 112520 (Sub-No. 261), filed May 22, 1972. Applicant: McKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, FL 32302. Applicant's representative: W. Guy McKenzie, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground clay*, in bulk, in tank vehicles, from points in Marion County, Fla., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, New Jersey, New York, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 112713 (Sub-No. 145), filed May 19, 1972. Applicant: YELLOW FREIGHT SYSTEM, INC., Box 8462, 92d at State line, Kansas City, MO 64114. Applicant's representative: John M. Records (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium chloride and magnesium chloride* in containers, from Ludington and Midland, Mich., to points in Illinois, Indiana, Kentucky, Ohio, Tennessee, West Virginia, and Wisconsin; points in Minnesota on and east of Interstate Highway 35; points in Iowa on and east of U.S. Highway 69; points in Missouri on and east of U.S. Highway 65; Kansas City, Mo.; points in Pennsylvania on and west of the following line: From the Pennsylvania-Maryland State line north along U.S. Highway 220 to U.S. Highway 15, thence north on U.S. Highway 15 to Pennsylvania-New York State line, points in New York on and west of the following line: From the New York-Pennsylvania State line north on U.S. Highway 11 to Pulaski, thence along New York Highway 13 to Lake Ontario. NOTE: Applicant states that

tacking is possible, but does not intend to tack with any authority it now holds or seeks in a pending application. If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich., or Columbus, Ohio.

No. MC 113362 (Sub-No. 235), filed April 3, 1972. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Applicant's representative: Raymond W. Ellsworth, Post Office Box 227, Seneca, PA 16346. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy, confectionery products*, and (2) *advertising matter, premiums, and display materials*, when shipped in the same vehicle with commodities described in (1) (except commodities in bulk, in tank vehicles), from the plantsite and storage facilities of M & M/Mars at Elizabethtown, Pa., to points in Ohio, Michigan, Indiana, Illinois, Wisconsin, Missouri, Iowa, Minnesota, Nebraska, and Colorado, restricted to the transportation of traffic originating at the above named plantsite and storage facilities and destined to the above named destinations States. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York City, N.Y., or Washington, D.C.

No. MC 113843 (Sub-No. 184), filed April 24, 1972. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, MA 02210. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and food products*, (1) from points in Connecticut, Rhode Island, and Massachusetts, to points in Delaware, Maryland, Virginia, West Virginia, the District of Columbia, points in that part of Pennsylvania east of U.S. Highway 15, Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem Counties, N.J., and Albany (except points in the commercial zone of Albany, N.Y.); points in Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Clinton, Cortland, Delaware, Erie, Essex, Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Madison, Monroe, Montgomery, Niagara, Oneida, Onondaga, Ontario, Orleans, Oswego, Otsego, St. Lawrence, Saratoga, Schoharie (except points in the commercial zone of Albany, N.Y.), Schoharie, Schuyler, Seneca, Steuben, Sullivan, Tioga, Tompkins, Ulster, Warren, Washington, Wayne, Wyoming, and Yates Counties, N.Y.; and (2) from points in New Hampshire to points in Delaware, Maryland, Virginia, West Virginia, the District of Columbia, New York, New Jersey, and points in Pennsylvania east of U.S. Highway 15. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a

hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 113855 (Sub-No. 255), filed May 17, 1972. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, MN 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rollover protective structures, canopies, and cabs, and parts and attachments for rollover protective structures, canopies, and cabs*, (1) from Portland and Eugene, Oreg.; Vancouver and Seattle, Wash.; and points in Coles County, Ill., to points in the United States (except Alaska and Hawaii); and (2) from Indianapolis, Ind., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Michigan, Wisconsin, Illinois, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Ohio, West Virginia, Pennsylvania, New York, Vermont, Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, the District of Columbia, Virginia, North Carolina, South Carolina, Georgia, and Florida. NOTE: Applicant states that tacking possibilities exist with its Subs 84 and 147. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 113855 (Sub-No. 256), filed May 17, 1972. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, MN 55901. Applicant's representative: Alan Foss, 902 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except those with vehicle beds, bed frames and fifth wheels), and *equipment designed for use in conjunction with tractors*, from Seattle, Wash., to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 114045 (Sub-No. 365), filed May 12, 1972. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, TX 75222. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, from Wichita, Kans., to points in Connecticut, Kentucky, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia. NOTE: Appli-

cant states that the requested authority cannot be tacked with its existing authority. Applicant presently holds the same authority as sought herein by combining its Subs 45 and 1 at Fort Smith, Ark. The sole purpose of this application is to eliminate the Fort Smith, Ark., gateway. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans., or Kansas City, Mo.

No. MC 114045 (Sub-No. 366), filed May 19, 1972. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, TX 75222. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery products, and food products in vehicles equipped with mechanical refrigeration*, from Fulton, N.Y.; Syracuse, N.Y.; and Burlington, Wis., to points in California, Oregon, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 115904 (Sub-No. 26), filed May 21, 1972. Applicant: LOUIS GROVER, 1710 West Broadway, Idaho Falls, ID 83401. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products, and building materials and materials and supplies used in the manufacture, installation, or distribution thereof*, from Sigurd, Utah, to points in Oregon, Washington, Montana, Wyoming, and Colorado. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Boise, Idaho.

No. MC 116073 (Sub-No. 240), filed May 18, 1972. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tassar, 1819 Fourth Avenue South, Kegel Plaza, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor homes*, from points in Yamhill County, Oreg., to points in the United States (including Alaska and excluding Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 116073 (Sub-No. 241), filed May 11, 1972. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Moorhead, MN 56560. Applicant's representative: Robert G. Tassar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in

initial movements, from points in Lyons County, Minn., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis-St. Paul, Minn.

No. MC 116073 (Sub-No. 242), filed May 24, 1972. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Moorhead, MN 56560. Applicant's representative: Robert G. Tassar, 1819 Fourth Avenue South, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Onslow County, N.C., to points in Alabama, Connecticut, Florida, Delaware, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Massachusetts, Maryland, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 116077 (Sub-No. 327), filed May 25, 1972. Applicant: ROBERTSON TANK LINES, INC., 2000 West Loop South, Suite 1800, Houston, TX 77027. Applicant's representative: Pat H. Robertson, Suite 401, First National Life Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Orange County, Tex., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, and Virginia. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that he has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Houston, Tex.

No. MC 117119 (Sub-No. 456), filed May 15, 1972. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Post Office Box 188, Elm Springs, AR 72728. Applicant's representative: Bobby G. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy and confectionery products* (except in bulk), and (2) *advertising and premium merchandise*, moving in mixed loads with candy and

confectionery products (except commodities in bulk), from Robinson, Ill., to points in Arizona, California, Montana, Nevada, Oregon, and Washington. NOTE: Applicant holds authority which could be tacked with that sought herein, however, tacking is not intended. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 117119 (Sub-No. 457), filed May 15, 1972. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Post Office Box 188, Elm Springs, AR 72728. Applicant's representative: Bobby G. Shaw (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from Columbus, Ohio, and Sturgis, Mich., to points in California, Oregon, Utah, and Washington. NOTE: Applicant states that it holds authority which could be tacked with authority sought herein, however, tacking is not intended. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 117153 (Sub-No. 6), filed May 17, 1972. Applicant: H. G. SNYDER TRUCKING INC., 1111 Pitfield Boulevard, St. Laurent, PQ, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automotive springs* on pallets, from the port of entry on the international boundary line between the United States and Canada at or near Champlain, N.Y., to Montezuma and Monticello, Ga.; Huntsville, Ala.; Seminole, Okla.; Los Angeles, Calif.; and Dallas, Tex., under contract with International Spring Manufacturing Co. of Canada, Ltd. NOTE: Applicant has pending an application for common carrier authority under its No. MC 136369 (Sub-No. 2). If a hearing is deemed necessary, applicant requests it be held at Montpelier, Vt., Albany or Plattsburg, N.Y.

No. MC 117565 (Sub-No. 59), filed May 19, 1972. Applicant: MOTOR SERVICE COMPANY, INC., Route 3, Post Office Box 448, Coshocton, OH 43812. Applicant's representative: John R. Hafner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vehicles*, in initial movements, in driveway service, from points in Attala County, Miss., to points in the United States (including Alaska but excluding Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Dual operations may be involved. If a hearing is deemed necessary, applicant

requests it be held at Columbus or Cleveland, Ohio.

No. MC 117565 (Sub-No. 60), filed May 19, 1972. Applicant: MOTOR SERVICE COMPANY, INC., Route 3, Post Office Box 448, Coshocton, OH 43812. Applicant's representative: John R. Hafner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor vehicles knocked down*; and (2) *motor vehicle parts, attachments, and accessories*, and (3) *materials, supplies, and equipment* used in connection with the manufacture of the commodities named in parts (1) and (2) above, between Kosciusko, Miss., on the one hand, and, on the other, points in the United States (including Alaska, but excluding Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus or Cleveland, Ohio.

No. MC 117644 (Sub-No. 27), filed May 15, 1972. Applicant: D & T TRUCKING CO., INC., Box 2611, New Brighton, MN 55112. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, chemicals, agricultural insecticides, and agricultural fungicides* (except commodities in bulk), from points in Union and Passaic Counties, N.J., and Northumberland County, Pa., to points in Ohio, Indiana, Illinois, Michigan, Minnesota, Wisconsin, North Dakota, South Dakota, Iowa, Montana, Nebraska, and Missouri, under contract with Merck and Co., Inc., Merck Chemical Division, and Gustafson Manufacturing Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 118202 (Sub-No. 8), filed May 8, 1972. Applicant: SCHULTZ TRANSIT, INC., Post Office Box 503, Winona, MN 55987. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except dairy products and commodities in bulk, in tank vehicles), (1) from the plant-sites and storage facilities of Tony Downs Food Co. at St. James and Madelia, Minn., and Butterfield Foods, Inc., at Butterfield, Minn., to points in Illinois, Indiana, Iowa, Kansas, Missouri, Oklahoma, Nebraska, North Dakota, South Dakota, and Wisconsin; and (2) from the plant site of Wadco, Inc., at Estherville, Iowa, to points in Illinois, Indiana, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Oklahoma, and Wisconsin, restricted in both parts (1) and (2) to traffic originating at the named plantsites and storage facilities and destined to the named States. NOTE: Applicant also holds contract carrier authority under MC 134631 and subs thereunder, therefore dual operations may be

involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 118292 (Sub-No. 31), filed May 17, 1972. Applicant: BALLENTINE PRODUCE, INC., Box 312, Alma, Ark. 72921. Applicant's representative: Lester M. Bridgeman, 1030 15th Street NW, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in California to points in Alabama, Arkansas, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco or Los Angeles, Calif.

No. MC 119441 (Sub-No. 28), filed May 28, 1972. Applicant: BAKER HIGHWAY EXPRESS, INC., Box 484, Dover, OH 44622. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron oxide, manganese ores, and clay products colorants* (except in bulk), from East Greenville, Exton, Point of Richmond, and Philadelphia, Pa., and Camden, N.J., to points in Carroll, Stark, and Tuscarawas Counties, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119660 (Sub-No. 3), filed May 8, 1972. Applicant: ALASKA AGGREGATE CORPORATION, doing business as PACIFIC WESTERN LINES, Post Office Box 3-3788, Anchorage, AK 99501. Applicant's representative: Donald T. Ille (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Buildings*, in sections and double wide mobile homes on wheeled undercarriages equipped with hitch-ball connector, (1) between points in Alaska; (2) between Anchorage, Alaska, on the one hand, and, on the other, points on and within 25 miles of: (a) Alaska Highway 1 between and including Homer and Tok, Alaska; (b) Alaska Highway 2 between and including Tok and Toftoy, Alaska; (c) Alaska Highway 4 between and including Valdez and Buffalo Center, Alaska; (d) Alaska Highway 6 between and including Fairbanks and Circle, Alaska; and (e) Alaska Highway 9 between and including the junction of Alaska Highways 1 and 9 northwest of Moose Pass and Seward, Alaska. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Anchorage, Alaska.

No. MC 119988 (Sub-No. 51), filed May 11, 1972. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway

103 East, Lufkin, Tex. 75901. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acrylics and materials, equipment, and supplies* used in the manufacture thereof, between points in Nacogdoches County, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 120257 (Sub-No. 14), filed May 17, 1972. Applicant: K. L. BREEDER & SONS, INC., 401 Alamo Street, Terrell, TX 75160. Applicant's representative: Bernard H. English, 6270 Fifth Road, Fort Worth, TX 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, tubing, pipe fittings, and pipe accessories*, in straight or mixed truckloads, from Lone Star, Tex., and points within 5 miles thereof on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Kansas, Louisiana, Mississippi, Ohio, Texas, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas or Fort Worth, Tex.

No. MC 121658 (Sub-No. 2) (Correction), filed April 28, 1972, published in the FEDERAL REGISTER, issue of June 2, 1972, and republished as corrected this issue. Applicant: STEVE D. THOMPSON, 1205 Percy Street, Post Office Box 149, Winnsboro, LA 71295. Applicant's representative: Charles H. Ryan, Post Office Box 4065, Monroe, LA 71201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (1) between Jackson, Miss., and Delta, La., over U.S. Highway 80, serving no intermediate points in Mississippi; (2) between Ruston and Delta, La., over U.S. Highway 80, serving all intermediate points using Interstate Highway 20 for operating convenience only; (3) between Tallulah and Vidalia, La., over U.S. Highway 65, serving all intermediate points; (4) between Ferriday and Winnfield, La., over U.S. Highway 84, serving all intermediate points; (5) between Winnfield and Ruston, La., over U.S. Highway 167, serving all intermediate points; (6) between Fort Necessity and Columbia, La., over Louisiana Highway 4, serving all intermediate points; (7) between Sicily Island and Jonesville, La., from Sicily Island over Louisiana Highway 8 to junction Louisiana Highway 124, thence over Louisiana Highway 124 to Jonesville, and return over the same route, serving all intermediate points; (8) between Sicily Island and Ferriday, La., over Louisiana Highway 15, serving all intermediate points; (9) between Monroe and Tullos, La., over Louisiana Highway 165, serving all intermediate points; (10) between Harri-

sonburg and Whitehall, La., over Louisiana Highway 8, serving all intermediate points; (11) between Archibald and Rayville, La., over Louisiana Highway 137 to U.S. Highway 80 (Interstate 20); (12) between Crowville and Delhi, La., over Louisiana Highway 17, serving all intermediate points; (13) between Monroe and Sicily Island, La., over Louisiana Highway 15, serving all intermediate points; (14) between Crowville and Winnsboro, La., over Louisiana Highway 17, serving all intermediate points; and (15) between Fort Necessity and Winnsboro, La., over Louisiana Highway 4, serving all intermediate points. NOTE: The purpose of this republication is to include routes (10) through (13). If a hearing is deemed necessary, applicant requests it be held at Monroe, La., or Jackson, Miss.

No. MC 123048 (Sub-No. 216), filed May 12, 1972. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, WI 53401. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors, farm, industrial, construction and excavation machinery and equipment* and (2) *Parts, attachments and accessories for commodities* described in (1), between points in the United States (except Alaska and Hawaii); restricted to shipments originating at J. I. Case Co. sales branch warehouses and sales branch storage facilities, J. I. Case Co. retail stores and J. I. Case Co. dealers and J. I. Case Co. dealers. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 123048 (Sub-No. 217), filed May 12, 1972. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, WI 53401. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed and precast concrete products*, from Burlington, Wis., to points in Illinois, Indiana, Iowa, Michigan, and Minnesota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 123048 (Sub-No. 218), filed May 12, 1972. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, WI 53401. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (1) *Experimental and show display tractors, farm, industrial, construction and excavation machinery and equipment*; (2) *parts, attachments, and accessories for the commodities* described in (1) and (3) *incidental paraphernalia*, which at the time of movement is being

transported for purposes of display or experiment and not for sale and is moving between the sites of plants, sales branches, warehouses, experimental stations, farms, shows, exhibits, or field demonstrations owned, operated or used by J. I. Case Co., between points in the United States (except Alaska and Hawaii). (II) The commodities described in (I) (1) and (2) moving from places of display or experiment at the sites of plants, sales branches, warehouses, experimental stations, farms, shows, exhibits, or field demonstrations owned, operated, or used by J. I. Case Co., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 123048 (Sub-No. 219), filed May 8, 1972. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, WI. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ventilating and heat transfer equipment*, from La Porte, Ind.; points in McHenry County, Ill., Bloomington, Ill.; Trenton, Mo.; Clinton and Knoxville, Tenn.; Paducah, Ky.; and Holland and Pemberville, Ohio, to points in the United States (except Alaska, Hawaii, Washington, Oregon, California, Idaho, Nevada, Arizona, Montana, Wyoming, Utah, and New Mexico); (2) *ventilating and heat transfer equipment*, from Holland and Pemberville, Ohio, to points in the United States (except Alaska and Hawaii); and (3) *materials, equipment, and supplies* used or useful in the manufacture, sale, and distribution of ventilating and heat transfer equipment, from points in the United States (except Alaska, Hawaii, Washington, Oregon, California, Idaho, Nevada, Arizona, Montana, Wyoming, Utah, and New Mexico) to the origins described in (1) and (2) above. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 123407 (Sub-No. 102), filed May 25, 1972. Applicant: DAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, MN 55404. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, conduit, couplings, connections, valves, and materials and supplies* for installation therefor, from Buckhannon, W. Va., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. NOTE: Applicant states that tacking is possible, but carrier at this time has no intention of doing so. Common control may be involved.

If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 123502 (Sub-No. 40), filed May 18, 1972. Applicant: FREE STATE TRUCK SERVICE, INC., Post Office Box 760, 10 Vernon Avenue, Glen Burnie, MD 21061. Applicant's representative: W. Wilson Corroum (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, granular refractories, ores, minerals, and exothermic materials*, in bulk, in tank or hopper-type vehicles, between Wilmington, Del., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii, points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties, N.J.), restricted against the transportation of dry fluorspar, from Wilmington, Del., to points in Maryland, New Jersey, North Carolina, Pennsylvania, West Virginia, and New York (except points in Kings, Queens, Nassau, and Suffolk Counties). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124211 (Sub-No. 216), filed May 11, 1972. Applicant: HILT TRUCK LINE, INC., Post Office Box 988 D.T.S., Omaha, NE 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food products, and grain products*, from points in Lancaster County, Nebr., to points in the United States east of the western boundaries of Ohio, West Virginia, and Virginia, and those north of the southern boundaries of Ohio, West Virginia, and Virginia, except Michigan. NOTE: Applicant states that tacking is possible at Lincoln, Nebr., with Subs Nos. 18, 62, 105, 109, 118, 119, 121, 127, 16, 39, 97, 112, 113, 124, 129, 131, 132, 133, 143, 145, and 146; however, not all tacking possibilities are feasible due to extreme circuitry involved. If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 124211 (Sub-No. 217), filed May 22, 1972. Applicant: HILT TRUCK LINE, INC., Post Office Box 988 D.T.S., Omaha, NE 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plumbing fixtures, equipment, materials, and supplies and accessories and paint materials*, from points in Douglas County, Nebr., and Wapello County, Iowa, to points in the United States (except Alaska and Hawaii); and (2) *food products*, from Bristol, Pa., to Chicago, Ill.; Kansas City, Mo.; and Omaha, Nebr. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not iden-

tify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 125140 (Sub-No. 15), filed May 25, 1972. Applicant: RICHARD B. BRUNZLICK, Augusta, Wis. 54722. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, MN 55114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, dairy byproducts, fruit juices, and fruit drinks*, from St. Paul, Minn., to points in Barron, Buffalo, Chippewa, Clark, Dunn, Eau Claire, Jackson, La Crosse, Monroe, Pepin, Pierce, Polk, Rusk, St. Croix, and Trempealeau Counties, Wis., under contract with Land O'Lakes Creameries, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 126039 (Sub-No. 18), filed May 18, 1972. Applicant: MORGAN TRANSPORTATION SYSTEM, INC., INTL., U.S. Highway 6 and 15, New Paris, Ind. 46553. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonferrous metals and nonferrous metal articles, and materials, supplies, and equipment* in the processing and manufacturing of nonferrous metals and nonferrous metal articles, between points in Wabash County, Ind., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 126489 (Sub-No. 16), filed May 25, 1972. Applicant: GASTON FEED TRANSPORTS, INC., 1203 West Fourth, Post Office Box 1066, Hutchison, KS 67501. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Inedible meat byproducts*, from Garden City, Dodge City, Emporia, Zenda, Liberal, Kansas City, Kans.; Kansas City, St. Louis, St. Joseph, Mo.; Darr, Lincoln, Lexington, Omaha, Rushville, Scottsbluff, Nebr.; Albuquerque, Clovis, Roswell, N. Mex.; Collins, Oklahoma City, Okla.; Amarillo, Dalhart, Fort Worth, Tampa, Waco, Tex., on the one hand, and, on the other, points in Missouri, Nebraska, Oklahoma, Iowa, Texas, Arkansas, Minnesota, and South Dakota; (2) *dry feed and feed ingredients*, from Wichita, Kans., to points in New Mexico and Arizona; (3) *feed and feed ingredients*, from points in Hale County, Tex., to points in Arkansas, Colorado, Iowa, Louisiana, Mississippi, Missouri, Nebra-

ska, New Mexico, and Oklahoma; and (4) *dry feed ingredients including deflourinated phosphate, dicalcium phosphate, diammonium phosphate, monoammonium phosphate*, from Beaumont, Tex., to points in Louisiana, Arkansas, Missouri, New Mexico, Colorado, and Mississippi. NOTE: Applicant states that tacking is possible but has no intention to do so. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 127187 (Sub-No. 10) (Amendment), filed May 1, 1972, published in the FEDERAL REGISTER, issue of June 2, 1972, amended and republished as amended this issue. Applicant: FLOYD DUENOW, 215 East Cherry, Fergus Falls, MN 56537. Applicant's representative: Gene P. Johnson, 514 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed ingredients* (except in bulk, in tank vehicles), between points in Montana, Wyoming, North Dakota, South Dakota, Nebraska, Iowa, Minnesota, and Wisconsin. NOTE: Applicant states that it could tack in eastern North Dakota or western Minnesota, to provide service to points in Wisconsin, Illinois, Missouri, Kansas, Oklahoma, and Texas, under its Sub 4 authority. The purpose of this republication is to (1) add the restriction, and (2) add Wisconsin as a destination State. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 127368 (Sub-No. 1), filed May 16, 1972. Applicant: ROBERT DeMORRO, doing business as TRAVELER'S TRANSPORT, 179 Farren Avenue, New Haven, CT 06513. Applicant's representative: Robert DeMorro, 235 Wooster Street, New Haven, CT 06511. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trunks, baggage, and personal effects of traveler's*, between points in Connecticut, on the one hand, and, on the other, steamship piers in the New York Port located at Newark, Hoboken, Elizabeth, Weehawken, North Bergen, Secaucus, Jersey City, and Bayonne, N.J., and Staten Island, N.Y. NOTE: Applicant states that the requested authority will be tacked with its existing authority at points in Connecticut and serve New York, N.Y., piers. If a hearing is deemed necessary, applicant requests it be held at Hartford or New Haven, Conn.

No. MC 129455 (Sub-No. 4), filed May 18, 1972. Applicant: CARRETTA TRUCKING, INC., Box 887, Maywood, NJ 07607. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, NJ 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Expanded polystyrene disposable articles*, from Middletown, N.Y., to points in Alabama, Arkansas, Connecticut,

Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, under a continuing contract or contracts with Polytherm Plastics, Division of Polysar Plastics, Inc., of Middletown, N.Y. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 133095 (Sub-No. 30), filed May 22, 1972. Applicant: TEXAS CONTINENTAL EXPRESS, INC., Post Office Box 434, Euless, TX 76039. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* (except frozen foods), from the plantsites and storage facilities of Snow Food Products, located at or near Scarborough, Maine, and Wildwood, N.J., to points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states that the requested authority can be tacked with its existing authority, but it has no intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 133566 (Sub-No. 20), filed May 17, 1972. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., Post Office Box 676, Logansport, IN 46947. Applicant's representative: William L. Slover, 1224 17th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and storage facilities of the Kitchens of Sara Lee at or near New Hampton, Iowa, to points in Pennsylvania, New York, Vermont, Maine, New Hampshire, Rhode Island, Massachusetts, Connecticut, New Jersey, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia. Restriction: Restricted to traffic originating at the named origin. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 133775 (Sub-No. 11), filed May 22, 1972. Applicant: REEFER TRANSIT LINE, INC., Box 536, Polar Road, Worthington, MN 56187. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery dough products*, from the plantsite and facilities utilized by Royal Pan-

try Foods, Inc., to points in Iowa, Nebraska, Kansas, Missouri, Wisconsin, Illinois, and Indiana. **NOTE:** Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 134063 (Sub-No. 5), filed May 26, 1972. Applicant: FRANK R. CHULLINO, doing business as MIDWEST TRANSPORTATION COMPANY, 2802 Avenue B, Council Bluffs, IA 51501. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alcoholic beverages* (except malt beverages) in containers only from points in Ohio, Indiana, Illinois, Michigan, Kentucky, Tennessee, and Missouri to Omaha, Nebr.; (2) *Nonalcoholic beverages* (in containers only) when moved in the same vehicle and at the same time with alcoholic beverages, from points in New York, Massachusetts, Connecticut, New Jersey, Maryland, Pennsylvania, Ohio, Michigan, Kentucky, Tennessee, Indiana, Illinois, and Missouri to Omaha, Nebr.; and (3) *such commodities* as are intended for use in the advertising and/or display of beverages, when moving in the same vehicle and at the same time with beverages, from points in New York, Massachusetts, Connecticut, New Jersey, Maryland, Pennsylvania, Ohio, Michigan, Kentucky, Tennessee, Indiana, Illinois, and Missouri, to Omaha, Nebr. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 129574 Sub 1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 134282 (Sub-No. 7), filed May 17, 1972. Applicant: ENNIS TRANSPORTATION CO., INC., Post Office Box 447, Ennis, TX 75119. Applicant's representative: William D. White, Jr., 2505 Republic National Bank Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wallboard, fiberboard, plywood, particle board, roofing, insulating sheathing, gypsum products, and joint system compounds* (except in bulk) *building paper and tape and materials* used in the installation of the foregoing commodities, from Irving, Tex., to points in Alabama, Arkansas, Florida, Georgia, Indiana, Illinois, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Ohio, Oklahoma, and Tennessee; and (2) *gypsum board paper*, in rolls, and *kaolin clay*, in bags, from points in Alabama, Arkansas, Florida, Georgia, Indiana, Illinois, Iowa, Kansas, Kentucky, Louisiana, Missouri, Ohio, Oklahoma, and Tennessee, to Irving, Tex. **NOTE:** Applicant states it will tack where feasible with authority held in No. MC 134282. Common control may be involved. If a hearing is deemed necessary, applicant re-

quests it be held at Dallas, Tex., or New Orleans, La.

No. MC 134282 (Sub-No. 8), filed May 17, 1972. Applicant: ENNIS TRANSPORTATION CO., INC., Post Office Box 447, Ennis, TX 75119. Applicant's representative: William D. White, Jr., 2505 Republic National Bank Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wallboard, fiberboard, plywood, particle board, roofing, insulating sheathing, gypsum products and joint system compounds* (except in bulk), *building paper tape and other materials* used in the installation of the foregoing commodities when moving incidental to the foregoing commodities, from West Memphis, Ark., to points in Alabama, Florida, Georgia, Indiana, Illinois, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Ohio, Oklahoma, Tennessee, and Texas; (2) *gypsum board paper*, in rolls, and *kaolin clay*, in bags, from points in Alabama, Florida, Georgia, Indiana, Illinois, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Ohio, Oklahoma, Tennessee, and Texas, to West Memphis, Ark.; and (3) *fiberboard and fiberboard products*, from Diboll, Tex., to West Memphis, Ark. **NOTE:** Applicant states it will tack where feasible with authority held in No. MC 134282. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or New Orleans, La.

No. MC 134370 (Sub-No. 7), filed May 30, 1972. Applicant: OSBORNE TRUCKING CO., INC., 1008 Sierra Drive, Riverton, WY 82501. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, WY 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metallic and nonmetallic ores, feldspar, feldspathic sand, aggregate, quartz, and chips*, from points in Wyoming to points in Arizona, Colorado, Kansas, Missouri, Montana, Nebraska, and Utah. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 133741 and subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at (1) Billings, Mont., (2) Denver, Colo., and (3) Casper, Wyo.

No. MC 134405 (Sub-No. 7), filed May 26, 1972. Applicant: BACON TRANSPORT COMPANY, a corporation, Post Office Box 1134, Ardmore, OK 73401. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 Northwest 58th, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, between Gainesville, Tex., on the one hand, and, on the other, points in Oklahoma and Kansas. **NOTE:** Applicant states that the authority could be tacked. However, applicant has no present intention of tacking and will not offer any proof to establish a need therefor. If a

hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 134776 (Sub-No. 20), filed May 11, 1972. Applicant: MILTON TRUCKING, INC., Post Office Box 207, Melton, PA 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Paper, paper products, and plastic products and equipment, materials, and supplies used or useful in the manufacture and sale of paper and plastic products* (except commodities in bulk), (1) between the U.S. Envelope Co., at Springfield, and Worcester, Mass., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Ohio, Indiana, Illinois, Michigan, Kentucky, Tennessee, and the District of Columbia; (2) between the U.S. Envelope Co., at Enfield and Rockville, Conn., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Ohio, Indiana, Illinois, Michigan, Kentucky, Tennessee, and the District of Columbia; and (3) between the U.S. Envelope Co., at Williamsburg, Pa., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, New York, New Jersey, Maryland, Delaware, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Ohio, Indiana, Illinois, Michigan, Kentucky, Tennessee, and the District of Columbia, under contract with U.S. Envelope Co. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 134922 (Sub-No. 32), filed May 12, 1972. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Applicant's representative: L. C. Cypert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cleaning, polishing, and waxing compounds*; (2) *starch*; (3) *air fresheners and disinfectants*; (4) *mops, dusters, plastic articles, waxes and brooms*; (5) *plastic bags*; and (6) *diet and nutritional foods* (except frozen), from Franklin, Ky., and Urbana, Ohio, to Dallas, Irving, and Lubbock, Tex.; Denver, Colo.; Salt Lake City, Utah; La Mirada, Calif.; and Portland, Oreg., restricted against the transportation of commodities in bulk. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio, or Little Rock, Ark.

No. MC 135352 (Sub-No. 4), filed May 19, 1972. Applicant: VANDER HART

TRANSFER & STORAGE, INC., 1207 Franklin Street, Pella, IA 50219. Applicant's representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Structural foam molded articles, new furniture, furniture parts, furniture components, foam molded articles with metallic components or metallic parts, plastic articles and foam pellets*, (1) from Pella and Des Moines, Iowa, to points in Tennessee, Arkansas, Louisiana, Oklahoma, Texas, South Dakota, Kansas, Nebraska, Minnesota, Missouri, Wisconsin, Illinois, Michigan, Indiana, Ohio, and Kentucky; and (2) from points in South Dakota, Texas, and Illinois to Pella and Des Moines, Iowa, under contract with Foam Molding Corp. of Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 135425 (Sub-No. 5), filed May 26, 1972. Applicant: CYCLES LIMITED, a corporation, Post Office Box 5715, Jackson, MS 39208. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by a manufacturer of toilet preparations* (except in bulk), between Cockeysville, Md., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under contract with Noxwell Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135598 (Sub-No. 1), filed May 25, 1972. Applicant: SHARKEY TRANSPORTATION, INC., No. 4 Valley View Drive, Burlington, IA 52601. Applicant's representative: Einar Viren, 904 City of National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, advertising, display, promotional, and packaging materials* when shipped with malt beverages, from Milwaukee, Wis., and St. Paul, Minn., to Quincy, Ill., and Burlington, Iowa, under contract with Herman Schneidman, doing business as Schneidman Distributing Co., Quincy, Ill., and C & D Beverage, Burlington, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 135887 (Sub-No. 2), filed May 9, 1972. Applicant: VOYNE E. GLEASON, Post Office Box 209, Coeur d'Alene, ID 83814. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle, WA 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages* in packages from Azusa and Van Nuys, Calif., to Coeur d'Alene, Idaho, for the account of Panhandle Distributors, Inc.; (2) *Malt beverages*, in packages from San Francisco, Calif., and Vancouver, Wash., to Coeur d'Alene, Kellogg, and Sandpoint, Idaho, for the accounts of Don La Voie Distributing and William Jones doing business as San Point Distributing

and (3) *Wines*, in packages, from points in California to Coeur d'Alene, Kellogg, and Sandpoint, Idaho, for the account of Panhandle Distributors, Inc., Don La Voie Distributing and William Jones doing business as Sand Point Distributing. NOTE: If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 135987 (Sub-No. 2) (Amendment), filed December 27, 1971. Published in the FEDERAL REGISTER issue of February 3, 1972 and republished as amended, this issue. Applicant: R. A. CARBOL TRAILWAY LTD., a corporation, 300-444 Seventh Avenue SW., Calgary 2, AB, Canada. Applicant's representative: Reginald A. Carbol, 2124 Chambers Street, Victoria, BC, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General cargo* (including containers) between ports of entry on the international boundary line between the United States and Canada located at or near Port Angeles, Blaine, Lynden, Sumas, and Oroville, Wash., and Eastport, Idaho, on the one hand, and, on the other, points in Washington, Oregon, California, Arizona, Minnesota, Illinois, Indiana, Michigan, Ohio, New York, New Jersey, Pennsylvania, Colorado, Nevada, Tennessee, and Texas. Restriction: The above sought authority is restricted to movements in foreign commerce. NOTE: The purpose of this republication is to redescribe the authority sought to show that radial operations is proposed. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 136166 (Sub-No. 4), filed May 18, 1972. Applicant: CF TANK LINES, INC., 175 Linfield Drive, Menlo Park, CA 94025. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Whitman, Garfield, Columbia, and Asotin Counties, Wash., to points in Oregon, Idaho, and Montana. NOTE: Applicant states that the requested authority cannot be held with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Spokane, Wash.

No. MC 136181 (Sub-No. 1), filed May 22, 1972. Applicant: MARINE STEVEDORING CORPORATION, 7737 Hampton Boulevard, Norfolk, VA 23505. Applicant's representative: Samuel P. Johnson III, 20 East Tabb Street, Petersburg, VA 23803. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities and empty containers or trailers on shipments* having a prior or subsequent movement by water carriers' vehicles or trailers owned by said water carriers, between points in the Norfolk, Virginia Beach, Chesapeake, Newport News, Portsmouth, and Hampton, Va., commercial zones. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Norfolk or Richmond, Va.

No. MC 136236 (Sub-No. 2), filed April 24, 1972. Applicant: GATEWAY PACKERS LIMITED, a corporation, 225 Isabel, Winnipeg, MB, Canada. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper*, from Minneapolis, Minn., Tama, Iowa, Filer City, Mich., and points in Wisconsin to ports of entry on the international boundary line between the United States and Canada at or near Noyes, Minn.; and (2) *sawdust*, from points in Wisconsin, to ports of entry on the international boundary line between the United States and Canada at or near Noyes, Minn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 136491 (Sub-No. 1), filed May 22, 1972. Applicant: HARVEY ENOS OYLER, Post Office Box 466, Manhattan, MT 59741. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk fertilizer*, from Belgrade, Mont., to Sheridan and Buffalo, Wyo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 136512 (Sub-No. 1), filed May 26, 1972. Applicant: SAINT PAUL TERMINAL WAREHOUSE COMPANY, INC., 444 Lafayette Road, St. Paul, MN 55101. Applicant's representative: William S. Rosen, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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 because of size or weight, between all points applicant is presently authorized to serve (Cordova Siding, Ill., Ames and Knoxville, Iowa, Alexandria, Chemolite, Fairmont, Hutchinson, Lindstrom, Mankato, New Ulm, Minneapolis, and Pine City, Minn., Cumberland and Prairie du Chien, Wis.), and Springfield, Nev., and Columbia, Mo., and Weatherford, Okla., and Brownwood, Tex. Restriction: Restricted (1) to the transportation of shipments both originating at and destined to plantsites and storage facilities of the Minnesota Mining & Manufacturing Co.; and (2) against the transportation of shipments between Cumberland, Wis., on the one hand, and, on the other, Chemolite (Minnesota Mining & Manufacturing Co. plantsite at Cottage Grove), Minn., and points in the Minneapolis-St. Paul, Minn., commercial zone as defined by the Commission. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn., or Washington, D.C.

No. MC 136515 (Sub-No. 2), filed May 25, 1972. Applicant: LAKESIDE HAULING & RIGGING, INC., 3600 Lakeside Avenue, Cleveland, OH 44114. Appli-

cant's representative: George S. Maxwell, 909 Leader Building, 526 East Superior Avenue, Cleveland, OH 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lubricating oil* in tank and/or containers, between Cleveland, Ohio, and Ecorse, Mich., under contract with Brooks Oil Co., Division of D-A Lubricant Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 136678, filed May 4, 1972. Applicant: ALABAMA-TENNESSEE EXPRESS, INC., 1822 Parkway Towers, Nashville, Tenn. 37219. Applicant's representative: Walter Harwood (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, classes A and B explosives, and those requiring special equipment), (1) between Chattanooga, Tenn., and Birmingham, Ala., over Interstate Highway 59 and also over U.S. Highway 11, serving no intermediate points; (2) between Birmingham, Ala., and Leeds, Ala., over U.S. Highway 78, serving all intermediate points on both routes; and (3) between Birmingham and Pelham, Ala., over U.S. Highway 31 and also over Interstate Highway 65, serving all intermediate points on both routes. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 136733, filed May 9, 1972. Applicant: WEISS TRANSPORTATION CO., INC., 7580 Intervale Avenue, Detroit, MI 48238. Applicant's representative: William B. Elmer, 23801 Gratiot Avenue, East Detroit, MI 48021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Detroit, Mich., to points in the Lower Peninsula of Michigan described as being located on and east of U.S. Highway 27 from the Indiana-Michigan State line to St. Louis, Mich., and on and south of Michigan Highway 46 from St. Louis, Mich., to Port Huron, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 136736, filed May 8, 1972. Applicant: HAMPTON ROADS TRANSFER CO., INC., Foot of Brooke Avenue, Norfolk, Va. 23510. Applicant's representative: Calvin F. Major, 200 West Grace Street, Richmond, VA 23220. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers*, loaded or empty, between terminals and piers at Norfolk, Portsmouth, and Newport News, Va., on the one hand, and, on the other, railheads at Norfolk, Portsmouth, Newport News, and Chesapeake, Va., and Naval Supply Center, General Service Administration, and Naval Amphibious Base, Norfolk, Va., and Ocean Naval Air Station, Virginia Beach, Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 136738, filed May 26, 1972. Applicant: DEAKAL CARTING CORP., 26 Kevin Road, Commack, NY 11725. Applicant's representative: John L. Alfano, 2 West 45th Street, New York, NY 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Record jackets, including incidental printed material*, from town of Babylon, including the incorporated village of Babylon, N.Y., to points in the New York, N.Y., commercial zone as defined by the Commission; New Jersey; Philadelphia, Allentown, and Scranton, Pa.; Winchester, Va.; Richmond, Terre Haute, and Indianapolis, Ind.; and Jacksonville and Pinckneyville, Ill.; and (2) *paper and paper products used in the manufacture of record jackets and incidental printed material*, from Jersey City, N.J., to shipper's facilities located in the town of Babylon, including the incorporated village of Babylon, N.Y., under contract with Shorewood Litho, Inc., and its subsidiaries. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 136742, filed May 25, 1972. Applicant: E. O. MINCHEW, Post Office Box 524, Ore City, TX 75683. Applicant's representative: Mike Cotten, Post Office Box 1148, Austin, TX 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpwood*, from points in Upshur, Camp, Titus, Morris, Cass, Marion, and Harrison Counties, Tex., to points in Little River County, Ark., and McCurtain County, Okla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Shreveport, La.

No. MC 136762, filed May 30, 1972. Applicant: OSBORNE HIGHWAY EXPRESS, a corporation, 127 University Avenue, Berkeley, CA 94710. Applicant's representative: Eldon M. Johnson, 105 Montgomery Street, Suite 1100, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood fiberboard and wood particle board*, with or without decorative finishes, from Ukiah, Calif., to points in Nevada, Arizona, and California. NOTE: If a hearing is deemed necessary, applicant requests it be held at Ukiah, Calif., or Washington, D.C.

No. MC 136765, filed May 30, 1972. Applicant: NUTRAC CORPORATION, 919 Market Street, Wilmington, DE 19801. Applicant's representative: David G. MacDonald, 1000 16th Street, NW., Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Radioactive spent nuclear fuel, reactor control elements, and related reactor core components*, from points in the United States (excepting Hawaii but including Alaska) to Barnwell Nuclear Industrial Park in Barnwell County, S.C.; and (2) *empty, shielded, radioactive material containers*, from Barnwell Nuclear Industrial Park in Barnwell County, S.C., to points in the United States (excepting



**10 CFR**

2	11871
50	11871
PROPOSED RULES:	
55	11785

**11 CFR**

PROPOSED RULES:	
4	12154

**12 CFR**

225	11316, 11557, 11771
543	11053
545	11054, 11721, 12141, 12219
550	11557
566	11557
571	11054
600	11408
601	11409
602	11413
611	11415
612	11417
613	11421
614	11423
615	11434
616	11439
617	11440
618	11442
619	11446
701	11234
715	11235
741	11317

PROPOSED RULES:

220	11734
545	11191
546	11191
563	11191
710	11351

**13 CFR**

120	11173
121	11173
302	11173
PROPOSED RULES:	
107	12244
302	12151

**14 CFR**

39	11155, 11235, 11315, 11462, 11558, 11771, 11856, 11857, 12061, 12141, 12142, 12219, 12308, 12309
71	10919, 11155, 11156, 11316, 11558, 11559, 11674, 11721, 11858, 11859, 11968, 11969, 12062, 12142, 12220, 12221
73	10919
75	10919, 11859
97	11054, 11462, 11969, 12221
103	12062
139	12278
152	12278
165	11014
207	12222
208	11156, 11235
212	11157, 11238
214	11157, 11239
241	11157, 11240
249	11157
302	11158, 11241
372	10920
385	11159
389	11464, 12310
PROPOSED RULES:	
39	11185

**14 CFR—Continued**

PROPOSED RULES—Continued

71	10957, 10959, 11185-11188, 11262, 11343, 11590-11592, 11684, 11897, 11898, 11978, 12068, 12152-12154
75	11189
207	11190
208	11190
212	11190
214	11190
241	11685
288	11344
302	11485
372	11190
399	11344

**15 CFR**

373	12222
386	12222
500	11530
610	11465
PROPOSED RULES:	
7	11896
908	11679

**16 CFR**

13	10920-10930, 11055, 11056
PROPOSED RULES:	
303	12243
600	11903, 12068

**17 CFR**

211	11559
230	10931
231	11559
239	10931
240	11970
241	11559
251	11559
271	11559
PROPOSED RULES:	
240	10960, 11687, 11904
270	11486

**18 CFR**

35	12063
141	11860
154	12063
250	12142
PROPOSED RULES:	
2	11787
101	12159
104	11788, 12159
105	11788, 12159
141	11192, 11788, 12159
201	12159
204	11788, 12159
205	11788, 12159
260	11192, 11788, 12159

**19 CFR**

1	11317, 11560
8	11167
10	11318
24	11167
153	11560, 11772, 11773
PROPOSED RULES:	
153	11475

**20 CFR**

404	11721
405	12143

**21 CFR**

19	10931, 11722, 12064
121	11167, 11241, 12065, 12143, 12310
130	12066
135	11241, 11723, 11773
135a	11241, 11723
135b	11723, 11773
135c	11723, 11773, 11774, 12066
141	11675
141a	10931, 12066
146	11675
146a	10931, 12066
148e	11676, 12144
148h	11675
148i	12067
281	11464

PROPOSED RULES:

1	12327
36	10957
102	12327
121	11255
149b	11729
164	11729

**22 CFR**

22	11459
41	11057
50	11459
53	11459
301	11058
503	11861

**23 CFR**

PROPOSED RULES:

1	11730
---	-------

**24 CFR**

15	11242
215	12231
275	11168
1914	11169, 11561, 11975
1915	11170, 11562, 11976

PROPOSED RULES:

201	11485
-----	-------

**25 CFR**

43h	11243
221	10932
PROPOSED RULES:	
5	12326

**26 CFR**

13	10932
PROPOSED RULES:	
1	10946
3	11877
201	11776

**28 CFR**

0	11317, 11724
---	--------------

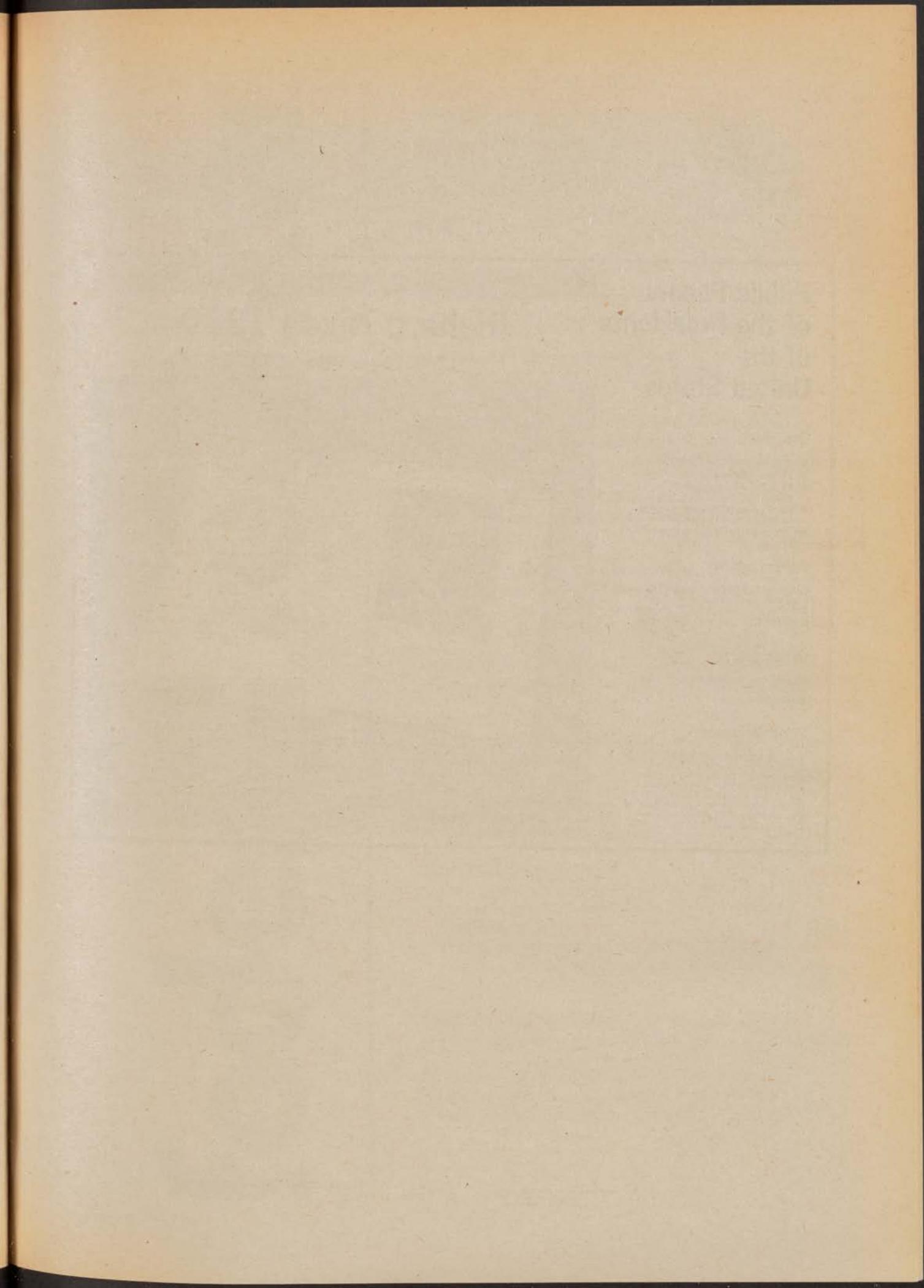
**29 CFR**

5a	11971
56	12204
780	12084
1910	11318
1911	12231
1918	11058
PROPOSED RULES:	
1910	11255, 11340, 11901
1926	11340

<b>30 CFR</b>	Page	<b>41 CFR—Continued</b>	Page	<b>47 CFR</b>	Page
100-----	11459, 11861	9-1-----	11322	0-----	12067
231-----	11040	Ch. 12B-----	11972	2-----	11863
<b>PROPOSED RULES:</b>		101-17-----	11323, 12312	25-----	12312
58-----	11977	101-18-----	11326	73-----	11538,
75-----	11777, 11779	101-20-----	11327		11581, 11584, 11863, 11864, 12318,
82-----	11338	101-32-----	11725		12320, 12321, 12323
		114-25-----	11460, 12144	81-----	11245, 11328
<b>31 CFR</b>		<b>PROPOSED RULES:</b>		83-----	11245, 11774
10-----	11676	14-1-----	12241	87-----	11863
344-----	10932	14-7-----	12146	89-----	11585, 11869
		29-12-----	11189	91-----	11335, 11585, 11869
<b>32 CFR</b>		101-26-----	10959	93-----	11585, 11869
255-----	11562	101-33-----	10959	201-----	11335
1631-----	11058	101-43-----	10959	<b>PROPOSED RULES:</b>	
1632-----	12311			1-----	11592
1710-----	11564	<b>42 CFR</b>		2-----	11980
		51a-----	11577	18-----	11980
<b>32A CFR</b>		73-----	10937, 11728	21-----	11980
OIA (Ch. X):				73-----	11787, 11980, 12157, 12328
OI Reg. 1-----	10933, 11774	<b>43 CFR</b>		74-----	11593, 11980
		4-----	11460	89-----	11980
<b>33 CFR</b>		1820-----	12144	91-----	10959, 11980
25-----	12231	<b>PUBLIC LAND ORDERS:</b>		93-----	11980
82-----	12232	606 (see PLO 5215)-----	11677	71-----	11972
117-----	11566, 11567, 11972, 12232	836 (amended by PLO 5215)-----	11677	228-----	12234
207-----	11058	5173 (amended by PLO 5213)-----	11244	232-----	12235
<b>PROPOSED RULES:</b>		5178 (amended by PLO 5214)-----	11244	393-----	11677
92-----	11342	5191 (see PLO 5213)-----	11244	571-----	10938, 11775, 11973, 12237, 12323
110-----	11977	5213-----	11244	1033-----	11066, 11336, 12324
117-----	12242	5214-----	11244	1300-----	12239
		5215-----	11677	1303-----	12239
<b>36 CFR</b>		<b>PROPOSED RULES:</b>		1056-----	12324
6-----	11972	2-----	11780	1304-----	12239
7-----	11066	2800-----	11255	1306-----	12239
251-----	10937	2870-----	11255	1307-----	12239
				1308-----	12239
<b>39 CFR</b>		<b>45 CFR</b>		1309-----	12239
<b>PROPOSED RULES:</b>		83-----	10938, 11577	<b>PROPOSED RULES:</b>	
144-----	11904	205-----	11059	171-----	11685
		220-----	12200	173-----	11898
<b>40 CFR</b>		233-----	12201	391-----	11781
5-----	11059	234-----	12202	392-----	11781
30-----	11650	1201-----	11060	393-----	11781
35-----	11650	<b>PROPOSED RULES:</b>		394-----	11781
180-----	11167, 11243, 11724, 11725, 12232, 12311	233-----	11977	395-----	11684, 11781
<b>PROPOSED RULES:</b>		248-----	11785, 11977	396-----	11781
5-----	11072	909-----	11257	571-----	11979
51-----	12155			574-----	11979
52-----	11826	<b>46 CFR</b>		1201-----	11076
80-----	11786	30-----	11774	<b>50 CFR</b>	
		151-----	11774	28-----	11869, 11974, 12239
<b>41 CFR</b>		160-----	11462, 11774	32-----	11585
3-56-----	11567	272-----	11577	33-----	11066, 11974
5A-3-----	12233	309-----	11578	35-----	12067
5A-60-----	12233	<b>PROPOSED RULES:</b>		<b>PROPOSED RULES:</b>	
		391-----	11886	261-----	11683
		536-----	12329	263-----	11683
				266-----	11683
				276-----	11683
				277-----	11683
				279-----	11683

LIST OF FEDERAL REGISTER PAGES AND DATES—JUNE

Pages	Date	Pages	Date
10907-11045-----	June 1	11711-11761-----	June 13
11047-11147-----	2	11763-11848-----	14
11149-11222-----	3	11849-11958-----	15
11223-11299-----	6	11959-12029-----	16
11301-11447-----	7	12031-12128-----	17
11449-11548-----	8	12129-12209-----	20
11549-11663-----	9	12211-12285-----	21
11665-11710-----	10	12287-12372-----	22



# Public Papers of the Presidents of the United States

## Richard Nixon/1970

1305 Pages/Price: \$15.75

### Contents

- Messages to the Congress
- Public speeches and letters
- The President's news conferences
- Radio and television reports to the American people
- Remarks to informal groups

### Published by

Office of the Federal Register  
National Archives and Records  
Service  
General Services Administration

### Order from

Superintendent of Documents  
U.S. Government Printing Office  
Washington, D.C. 20402

### Prior Volumes

Volumes covering the administrations of Presidents Truman, Eisenhower, Kennedy, Johnson, and the first year of President Nixon are available at varying prices from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., 20402.

