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(Part II begins on page 13147)

HIGHLIGHTS OF THIS ISSUE

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

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FEDERAL REGISTER

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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.

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CFR CHECKLIST

1972 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the issuance date and price of revised volumes of the Code of Federal Regulations issued to date during 1972. New units issued during the month are announced on the inside cover of the daily FEDERAL REGISTER as they become available.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR unit (Rev. as of Jan. 1, 1972):

Title		Price
1		$1.00
3	1971 Compliation	1.25
4		.55
5		1.75
6	(Rev. June 1, 1972)	1.25
7	Parts:	
	0–45	2.75
	46–51	1.75
	52	3.25
	53–209	3.25
	700–749	2.00
	750–899	1.25
	900–944	1.75
	945–980	1.00
	981–999	1.00
	1000–1059	1.75
	1060–1119	1.75
	1120–1199	1.50
	1200–1499	2.00
	1500-end	2.50
8		1.00
9		2.00
10		1.75
11	[Reserved]	
12	Parts:	
	1–299	3.00
	300-end	2.75
13		1.25
14	Parts:	
	1–59	3.00
	60–199	2.75
	200-end	3.25
15		2.00
16	Parts:	
	0–149	3.25
	150-end	2.00
17		2.75
18	Parts:	
	1–149	2.00
	150-end	2.00
19		2.75
20	Parts 01–399	1.25
21	Parts:	
	1–119	1.75
	120–129	1.50
	147–299	1.25
	300-end	.60
22		$1.75
23		.55
24		3.25
25		1.75
26	Parts:	
	1 (§§ 1.301–1.400)	1.00
	1 (§§ 1.401–1.500)	1.50
	1 (§§ 1.501–1.640)	1.25
	1 (§§ 1.641–1.850)	1.75
	1 (§§ 1.851–1.1200)	2.00
	2–29	1.25
	30–39	1.50
	40–169	2.00
	170–299	3.75
	300–499	1.50
	500–599	1.75
	600-end	.60
27		.45
28		1.00
29	Parts:	
	0–499	1.75
	900-end	4.00
30		2.75
31		2.50
32	Parts:	
	1–8	3.50
	9–39	2.50
	400–589	2.50
	590–699	1.00
	700–799	3.50
	1000–1399	.75
	1400–1599	1.50
	1600-end	1.00
32A		1.50
33	Parts:	
	1–199	2.50
	200-end	1.75
34	[Reserved]	
36		1.25
37		.70
38		3.50
39		2.00
40		1.75
41	Chapters:	
	1–2	2.75
	3–5D	2.00
	6–17	3.75
	19–100	1.25
	101-end	2.75
42		1.75
43	Parts:	
	1–999	1.50
	1000-end	2.75
44		.35
45	Parts:	
	1–199	2.00
	200-end	2.00
46	Parts:	
	66–145	2.75
	146–149	3.75
	150–199	2.75
	200-end	3.00
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50		1.25
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Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8829]

PART 13—PROHIBITED TRADE PRACTICES

Charnita, Inc., and Charles G. Rist

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements:* 13.73–92 Truth in Lending Act; § 13.155 *Prices:* 13.155–95 Terms and conditions; 13.155–95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.1623–95 Truth in Lending Act; § 13.1823 *Terms and conditions:* 13.1823–20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–75 Truth in Lending Act; § 13.1892 *Sales contract,* right-to-cancel provision; § 13.1905 *Terms and conditions:* 13.1905–60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601–1605) [Cease and desist order, Charnita, Inc., et al., Fairfield, Pa., Docket No. 8829, June 6, 1972]

In the Matter of Charnita, Inc., a Corporation, and Charles G. Rist, Individually and as an Officer of Said Corporation.

Order requiring a Fairfield, Pa., real estate firm to cease violating the Truth in Lending Act by failing to disclose to customers the total cash price, the total downpayment, the unpaid balance of the cash price, the finance charges, the annual percentage rate, failing to give customers notice of their right to rescind within 3 days, and other disclosures required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Charnita, Inc., a corporation, and its officers, and Charles G. Rist, individually and as

an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with any consumer credit sale of real property or in any advertisement to aid, promote, or assist directly or indirectly any extension of credit, as "credit sale" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90–321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to use the term "cash price" to designate the cash price of the property which is the subject of the transaction, as required by § 226.8(c)(1) of Regulation Z.

2. Failing to disclose the amount of any downpayment in money as the "cash downpayment," using that term, as required by § 226.8(c)(2) of Regulation Z.

3. Failing to disclose the difference between the cash price and the cash downpayment using the term "unpaid balance of cash price," as required by § 226.8(c)(3) of Regulation Z.

4. Failing to disclose the sum of the cash price, all charges other than the cash price which are included in the amount financed but which are not part of the finance charge, and the finance charge, using the term "deferred payment price," as required by § 226.8(c)(8)(ii) of Regulation Z.

5. Failing to identify respondent Charnita, Inc., as the creditor, as required by § 226.8(a) of Regulation Z.

6. Failing, in connection with any offer of a discount for prompt payment, to make the separate disclosures required by § 226.8(o), as amended, of Regulation Z, on the invoice or other evidence of sale, as required thereby.

7. Failing, in connection with any offer of a discount for prompt payment, to exclude from the amount of the cash price the greatest amount of discount for prompt payment of which the customer may avail himself under the terms of the offer, as required by § 226.8(c)(1) of Regulation Z.

8. Failing, in connection with any offer of a discount for prompt payment, to itemize the amount of the discount as part of the finance charge, as required by §§ 226.8(c)(8)(i) and 226.8(o), as amended, of Regulation Z, and to include that amount in the finance charge when disclosing the amount of the finance charge as required by § 226.8(c)(8)(i) of Regulation Z and when computing the annual percentage rate, as required by §§ 226.8(b)(2) and 226.8(o), as amended, of Regulation Z.

9. Stating in any advertisement the period of repayment, without stating all of the following items, in the manner and form prescribed by § 226.8 of Regulation Z, as required by § 226.10(d)(2) of Regulation Z:

(a) The cash price;

(b) The amount of the downpayment required;

(c) The number, amount, and due dates or period of repayments scheduled to repay the indebtedness;

(d) The amount of finance charge expressed as an annual percentage rate; and

(e) The deferred payment price.

10. Failing, in any transaction arising in the future in which a customer has the right to rescind as provided in § 226.9 of Regulation Z, to provide the customer with the notice of right to rescind, in the form and manner provided in that section prior to consummation of the transaction and in connection therewith to provide a question seeking a statement in writing designating whether or not said customer expects to use the lot as his principal place of residence.

11. Failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form, and amount required by §§ 226.6, 226.8, 226.9, and 226.10 of Regulation Z.

12. Failing to deliver a copy of this order to cease and desist to all present and future employees or other persons engaged in the sale of respondents' real property or in the creation of any advertisement therefor, and to secure from each such employee or other person a signed statement acknowledging receipt of said order.

It is further ordered, That respondent Charnita, Inc. shall within thirty (30) days from the date hereof make a clear and conspicuous inquiry in writing, in the manner and form shown on Appendixes A and B attached hereto,[1] via registered mail with return receipt required and with enclosed self-addressed and stamped envelope to all customers who purchased property from respondent on or after July 1, 1969 and in which respondent has retained or acquired or will retain or acquire a security interest.

It is further ordered, That within sixty (60) days from the date hereof, in the event that all of the questionnaires (Appendix B)[1] have not been completed and returned to respondent Charnita, Inc., respondent shall employ an independent contractor with interviewing capabilities which is acceptable to the Federal Trade Commission to telephone, and if necessary to meet in person, each customer who fails to return the questionnaire and to provide him with the information contained in the letter set forth in Appendix A in order to elicit his response to and signature on the questionnaire.

It is further ordered, That respondent Charnita, Inc. shall maintain adequate records, to be furnished upon the request of the Federal Trade Commission, which disclose the dates and manner in which customers were contacted pursuant to the above procedures and the dates and manner in which customers responded thereto.

It is further ordered, That respondent Charnita, Inc. shall cease to remain in violation of the Truth in Lending Act by delivering, within ten (10) days after receipt by it of notice from its customers (or from the independent contractor) regarding their expected use of the property in question, notice of the customer's right to rescind, in the manner and form set forth in § 226.9(b) of Regulation Z, to each customer who purchased real property from it in any credit transaction consummated on or after July 1, 1969 and in which the customer has or shall notify respondent pursuant to the procedures set forth above that he expected to use that property as his principal place of residence and in which respondent has retained or acquired, or will retain or acquire, a security interest therein. *Provided, however,* That this portion of this order shall not apply to customers who have previously sold the property purchased from Charnita, Inc.

It is further ordered, That respondents Charnita, Inc., a corporation, and its officers, and Charles G. Rist, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with any consumer credit sale of real property or in any advertisement to aid, promote, or assist directly or indirectly any extension of credit, as "credit sale" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90–321, 15 U.S.C. 1601 et seq.) do forthwith cease and desist from failing to identify their security interest as required by § 226.8(b)(5) of Regulation Z together with all other required disclosures, as required by § 226.8(a) of Regulation Z.

It is further ordered, That the exceptions of respondents Charnita, Inc., and Charles G. Rist to the findings, conclusions, and order of the hearing examiner be, and they hereby are, denied, and that the exceptions of counsel supporting the complaint to said findings, conclusions, and order be, and they hereby are, granted in part and denied in part.

It is further ordered, That the examiner's findings, conclusions, and order, as modified and supplemented herein, be, and they hereby are, adopted as the findings, conclusions, and order of the Commission.

It is further ordered, That respondent corporation shall forthwith distribute a copy of this order to each of its operating subsidiaries and divisions.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries which may affect compliance obligations arising out of the order, or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That respondents herein shall, within three (3) months after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they are complying with this order and shall, within

[1] Copies of Appendixes A and B may be obtained at Federal Trade Commission Building, Room 130, Sixth and Pennsylvania Ave. NW.

six (6) months thereafter, file a further report in writing setting forth in detail the manner and form in which they have complied therewith.

Issued: June 6, 1972.

By the Commission.

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

[FR Doc.72-10066 Filed 6-30-72;8:50 am]

[Docket No. C-2226]

PART 13—PROHIBITED TRADE PRACTICES

Kenrec Sports Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.175 *Quality of product or service;* § 13.190 *Results;* § 13.195 *Safety* 13.195-60 Product; § 13.265 *Tests and investigations.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1715 *Quality;* § 13.1730 *Results;* § 13.1762 *Tests, purported.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1886 *Quality, grade or type;* § 13.1890 *Safety.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Kenrec Sports Inc., et al., New York, N.Y., Docket No. C-2226, May 23, 1972]

In the Matter of Kenrec Sports Inc., a Corporation, Dennis Eichler and Ezra Waldman, Individually and as Officers of said Corporation.

Consent order requiring a New York City seller of a swimming-aid device to cease misrepresenting the device as a Swim Teacher, that the device assures ideal body position, has been tested and approved by experts in the United States and abroad, misprepresenting the device as safe and secure and requiring on any future packaging and advertising, a settlement that the device is not a life preserver.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Kenrec Sports Inc., a corporation, and its officers, and Dennis Eichler and Ezra Waldman, individually and as officers and directors of said corporation, and respondents' agents, representatives, employees, successors and assigns, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of a swimming-aid device designated "Bema Swim Teacher" or any other device of similar design, construction or intended use, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that:

1. Such device is a Swim Teacher and can teach swimming in three easy steps or any number of steps.

2. Such device assures ideal body positioning in the water for the swift development of correct swimming motions.

3. Such device has been tested and approved as to any and all aspects, including safety, by European and United States swimming experts, including Don Schollander, unless said device has been subjected to practical and effective tests under controlled conditions.

4. Such device is safe and secure by the use of such phrases as "Completely Safe and Dependable," "Designed and Made with Your Safety in Mind," "An Approved Circle of Safety Sports Product," or any other language of similar import.

5. Such device can be used with confidence on infants and children to overcome their fear of the water and teach them to swim unless respondents shall state clearly and conspicuously and in immediate conjunction with any such representation that such device is not a life preserver, should not be used by nonswimmers without proper supervision and should be used only in shallow water.

It is further ordered, That on all future packages, brochures, flyers, or other pieces of advertising material describing said device or any other device of similar design, construction, or intended use, respondents affirmatively disclose in clear and conspicuous language that said device is not a life preserver, should not be used by nonswimmers without proper supervision and in all cases should be used only in shallow water.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That respondents distribute a copy of this order to all operating divisions and subsidiaries of said corporation and also distribute a copy of this order to all of respondents' personnel involved in the formulation and implementation of respondents' business policies and all other personnel engaged in the advertising, marketing and sale of respondents' products.

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: May 23, 1972.

By the Commission.

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

[FR Doc.72-10042 Filed 6-30-72;8:46 am]

[Docket No. C-2229]

PART 13—PROHIBITED TRADE PRACTICES

Leo Payne Pontiac, Inc., and Leo Payne

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements:* 13.73-92 Truth in Lending Act; § 13.155 *Prices:* 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.1623-95 Truth in Lending Act; § 13.1823 *Terms and conditions:* 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-75 Truth in Lending Act; § 13.1905 *Terms and conditions:* 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Leo Payne Pontiac, Inc., et al., Lakewood, Colo., Docket No. C-2229, June 1, 1972]

In the Matter of Leo Payne Pontiac, Inc., a Corporation, and Leo Payne, Individually and as an Officer of Said Corporation.

Consent order requiring a Lakewood, Colo., dealer and seller of automobiles, campers and mobile homes to cease violating the Truth in Lending Act by failing to list the cash price, the downpayment required, the annual percentage rate, the deferred payment price, and any other disclosures required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Leo Payne Pontiac, Inc., a corporation, and Leo Payne, individually and as an officer of said corporation, trading under said corporate name or under any trade name or names, their successors and assigns, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the arrangement, extension, or advertisement of consumer credit in connection with the sale of automobiles, motor homes, campers, travel trailers, or other products or services, as "advertisement" and "consumer credit" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Causing to be disseminated to the public in any manner whatsoever any advertisement to aid, promote, or assist, directly or indirectly, any extension of consumer credit, which advertisement states the amount of the downpayment required, or that no downpayment is required, the amount of any installment payment, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless it states all of the following items in the manner and form as required by § 226.10(d)(2) of Regulation Z:

a. The cash price;

b. The amount of the downpayment required or that no downpayment is required, as applicable;

c. The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended;

d. The amount of the finance charge expressed as an annual percentage rate; and

e. The deferred payment price or the sum of the payments, as applicable.

2. Failing to print the term "annual percentage rate" more conspicuously than other terminology required by Regulation Z, when that term is required to be used by Regulation Z.

3. Failing, in any consumer credit transaction or advertisement, to make all the disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form, and amount required by §§ 226.6, 226.7, 226.8, 226.9, and 226.10 of Regulation Z.

4. Failing to deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in any aspect of preparation, creation, and placing of advertising, all persons engaged in reviewing the legal sufficiency of advertising, and all present and future agencies engaged in preparation, creation, and placing of advertising on behalf of respondents, and failing to secure from each such person or agency a signed statement acknowledging receipt of said order.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file, individually, with the Commission, a report in writing, setting forth in detail the manner and form in which each of them has complied with this order.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

Issued: June 1, 1972.

By the Commission.

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

[FR Doc.72-10043 Filed 6-30-72;8:46 am]

[Docket No. C-2227]

PART 13—PROHIBITED TRADE PRACTICES

Nationwide Safti-Brake Distributors, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15-105 Identity; 13.15-225 Personnel or staff; 13.15-270 Size and extent; § 13.155 *Prices:* 13.155-5 Additional charges unmentioned; 13.155-10 Bait. Subpart—Misrepresenting oneself and goods—Business status, advantages, or connections: § 13.1440 *Identity;* § 13.1520 *Personnel or staff;* § 13.1555 *Size, extent, or equipment;* Misrepresenting oneself and goods—Goods: § 13.1685 *Nature:* 13.1685-15 By misleading trade or corporate name; Misrepresenting oneself and goods—Prices: § 13.1778 *Additional costs unmentioned;* §13.1779 *Bait.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure; § 13.1855 *Identity;* § 13.1882 *Prices.* Subpart—Using misleading name—Vendor: § 13.2385 *Identity.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Nationwide Safti-Brake Distributors, Inc., et al., Rockville, Md., Docket No. C-2227, May 23, 1972]

In the Matter of Nationwide Safti-Brake Distributors, Inc., a Corporation, Globe Advertising Co., Inc., a Corporation, Market Tire Co., of Maryland, Inc., a Corporation, and Allan Bratman, David Lawson, Individually and as officers of Market Tire Co., of Maryland, Inc.

Consent order requiring a Rockville, Md., seller and distributor of automobile parts, including brake parts, and its parent company to cease misrepresenting prices of particular automotive repair services, representing that any merchandise or service is for sale when in fact it is not, using deceptive representations in order to obtain prospective customers, misrepresenting respondent's size and extent, and using the word "Safti" or any other similar misrepresentation in respondent's trade name or service mark within 1 year.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Nationwide Safti-Brake Distributors, Inc., a corporation, Globe Advertising Co., Inc., a corporation, Market Tire Co. of Maryland, Inc., a corporation, their successors and assigns and their officers, and Allan Bratman and David Lawson, individually and as officers of Market Tire Co. of Maryland, Inc. and each of said respondents trading as Nationwide Safti-Brake Centers or under any other trade name or names, and respondents' agents, representatives, and employees directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale or distribution of automobile brake repair services, or any other products or services, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Advertising the price of particular automotive repair services such as relining brakes, unless in immediate conjunction therewith disclosure is made, in a prominent place and in legible type that additional charges may be required, which additional charges are listed covering usual and customary parts and/or labor for the repair services advertised; or in lieu thereof, clearly disclosing in immediate conjunction with the advertised price, and in the same type size, the current average total cost at the time of publication for such services, including the additional parts and labor normally required.

2. Representing, orally or in writing, directly or by implication, that any merchandise or service is offered for sale when the purpose of the representation is not to sell such merchandise or service in the represented manner; or misrepresenting, in any manner, the nature, cost, or extent of any such service or related parts necessary to repair automotive components.

3. Using, in any manner, a sales plan or procedure wherein false, misleading, or deceptive representations are made in order to obtain prospects for the sale of merchandise or services.

4. Failing to disclose in all media advertising in close conjunction with respondents' trade name and servicemark "Nationwide Safti-Brake Centers" the geographic trading area or areas where respondent in fact does business, or otherwise misrepresenting apart from said trade name and servicemark usage that respondents' business serves a geographic area larger than is the fact.

5. Using the word "Safti" or any other word, term or phrase of similar import or meaning in respondents' trade name or servicemark; provided, however, that respondents shall be permitted to phase out such term: (a) In all media advertising within 1 month from the date this order is accepted, (b) in all stationary, invoices, and other business forms (and in-store promotional material) as the current supply is exhausted, but no later than 1 year from the date this order is accepted, and (c) in all store signs within 1 year from the date this order is accepted.

It is further ordered, That respondents deliver a copy of this order to each of their operating departments and divisions engaged in the advertising, offering for sale, sale or distribution to the public at retail of automobile brake repair services or any other products or services and to the manager and employees of each present and every future retail outlet owned and operated by respondents, and obtain a signed statement acknowledging receipt of said order from each individual receiving a copy of same.

It is further ordered, That respondents maintain for at least a two (2) year period, copies of all advertisements, including television and radio advertisements, direct mail and in-store solicitation literature, and any other such promotional material made for the purposes of offering for sale, sale or distribution to the public at retail of automobile brake repair services or any other products or services.

It is further ordered, That respondents maintain for at least a one (1) year period, full and adequate records which disclose the facts upon which representations of the type dealt with in paragraphs 1 and 2 of this order are based, and from which the validity of such claim can be established.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents

such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: May 23, 1972.

By the Commission.

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

[FR Doc.72-10044 Filed 6-30-72;8:46 am]

[Docket No. C-2225]

PART 13—PROHIBITED TRADE PRACTICES

U.S. General Supply Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15-185 Mail order house advantage; § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices:* 13.155-5 Additional charges unmentioned; 13.155-40 Exaggerated as regular and customary; 13.155-80 Retail as cost, wholesale, discounted, etc.; § 13.180 *Quantity:* 13.180-30 In stock; § 13.185 *Refunds, repairs, and replacements;* § 13.260 *Terms and conditions.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1647 *Guarantees;* § 13.1720 *Quantity;* § 13.-1725 *Refunds;* § 13.1760 *Terms and conditions; Misrepresenting oneself and* goods—Prices: § 13.1778 *Additional costs unmentioned;* § 13.1805 *Exaggerated as regular and customary;* § 13.1820 *Retail as cost, wholesale, etc., or discounted.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure; § 13.1882 *Prices:*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45 [Cease and desist order, U.S. General Supply Corp. et al., Jericho, N.Y. Docket No. C-2225, May 23, 1972]

In the Matter of U.S. General Supply Corp., a Corporation, and Harold Rashbaum and Murray Harrow Individually and as Officers of Said Corporation.

Consent order requiring a Jericho, N.Y., mail order firm to cease failing to make shipments within specified time limits, failing to disclose that not all items advertised are kept in stock, but are drop-shipped by the manufacturer, failing to make complete refunds within specified time limits, misrepresenting that all items shipped are insured, regardless of purchase price, failing to indicate fee for respondent's catalog, using comparative inflated prices, and keeping inadequate records of purchase orders. Corporate respondent is further required to maintain a business telephone and to list the number in the official telephone directory for its location and in all of its mail order catalogs.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent U.S. General Supply Corp., a corporation, its subsidiary and affiliated corporations, its successors and assigns, and respondents Harold Rashbaum and Murray Harrow, individually, and as officers of said corporate respondent, and respondents' agents, representatives, officers and employees, directly of through any corporate or other device or under any other name or names, in respondents' advertisements, catalogs, or in any other advertising mateiral, in connection with the offering for sale, sale, and distribution of tools, hardware, home appliances, office equipment, auto supplies, garden equipment and any other article of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, to forthwith cease and desist from:

(a) Failing to make shipments of advertised merchandise within the time period specified in respondents' advertisements, catalogs or in any other advertising material when payment for such goods has been received, or if no time is specified, within a reasonable time not to exceed 21 days, and if shipment is not made within said period, to offer in writing to promptly refund the full purchase price therefor to the purchaser, except as hereinafter provided in paragraphs (b), (c), and (d) for drop-shipped merchandise. Upon request for said refund, the return of the full purchase price shall be made within 15 days from the date of the receipt of said written request.

(b) Failing to clearly and conspicuously disclose in its catalog and in all other advertising materials, where specific items of merchandise are mentioned, all of those items which are not stocked in respondents' warehouse but are drop-shipped at respondents' request directly to their customers by any manufacturer or supplier.

(c) Failing, in its catalog and in all other advertising materials, to adequately inform all purchasers of drop-shipped merchandise, ordered and paid for, that refunds are available within 15 days from the date of receipt of any written request therefor, if the merchandise has not been received within the time specified in respondents' catalog or in any other advertising material, or within 21 days where no time period has been specified.

(d) Failing to make refunds of all monies paid by purchasers of drop-shipped merchandise within 15 days from the date of receipt of any written request therefor made in accordance with the conditions set forth in paragraph (c) above.

(e) Failing to disclose in its mail order catalog, when representations are made that merchandise is insured, that only parcels of merchandise in excess of a given dollar amount are insured by respondents or that parcels below such dollar amount are not insured.

(f) Representing, directly or by implication, that delivery of all merchandise is guaranteed or assured unless all the terms and conditions relating to respondents' replacement of any merchandise not received by purchasers is clearly and conspicuously stated.

(g) Failing when requested, pursuant to a guarantee of satisfaction money back guarantee, or a full refund guarantee, to refund either by cash or by check, the full purchase price of merchandise, together with all charges paid by the purchasers in connection with such purchase, voluntarily, and within the time specified in respondents' advertisements, or if no time is specified, within a reasonable time not to exceed 15 days, or failing to make any other refunds to which a purchaser is entitled within 15 days from the date of the receipt of the written request for such refund.

(h) Misrepresenting, directly or by implication, the dollar amount or quantity of merchandise which is in stock in respondents' warehouse at any given time or that any specific item of merchandise is in stock in said warehouse when in fact said merchandise may be shipped directly to the purchaser by suppliers other than respondents.

(i) Representing, directly or by implication, that respondents are wholesalers unless they in fact: (1) Make a substantial and significant number of sales to retailers, and (2) sell items which they offer at wholesale prices, at prices which do not exceed those usually and customarily paid by retailers for such merchandise to any source of supply.

(j) Representing, directly or by implication, that respondents offer merchandise for sale at wholesale prices, at the lowest wholesale prices, or at prices which do not exceed the prices usually and customarily paid by retailers for such merchandise to any source of supply unless they, in fact, sell items which they offer at wholesale prices, at prices which do not exceed those usually and customarily paid by retailers for such merchandise.

(k) Failing to disclose in all advertising offering its mail order catalog for sale that a fee of $1, or any amount, is required on all orders under a certain dollar amount.

(l) Failing to disclose, clearly and conspicuously, that charges for postage, insurance, or any other fee or charge in connection with the return of merchandise, or of the catalog itself, shall be borne by the purchaser.

(m) Representing, directly or by implication, that any products are guaranteed, unless the nature and extent of the guarantee, the identity of the guarantor, the obligations, if any, of the consumer who purchases said guaranteed product, and the manner in which said guarantor will perform thereunder are clearly and conspicuously disclosed.

(n) Utilizing comparative retail prices which are inflated above the usual and customary current selling prices for such products in retail stores throughout the country.

(o) Misrepresenting, directly or by implication, that there is a limited supply of mail order catalogs available.

(p) Misrepresenting, directly or by implication, the amount of savings available to purchasers of respondents' merchandise.

(q) Failing to maintain adequate records which disclose the facts upon which all representations as to wholesale and retail prices of merchandise, claims of savings afforded to purchasers, and representations of similar import and meaning are based, and from which the validity of any such claims can be established.

It is further ordered, That the corporate respondent maintain a business telephone and list such number in the official telephone directory for its location and in all of its mail order catalogs.

It is further ordered, That respondents shall maintain full and adequate records of purchaser's orders and shipments of merchandise so that requests for refunds, claims or adjustments may be made for nondelivered merchandise or for any other reason.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed changes in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other changes in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all personnel of respondents responsible for the preparation, creation, production or publication of the advertising of all products covered by this order.

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner in which they have complied with this order: *Provided, however,* That with respect to those portions of the order which require changes to be made in respondents' mail order catalog which is published semiannually in January and August, a second such report shall be filed within sixty (60) days after June 1, 1972, the date upon which all changes in respondents' catalog required by the terms of this order shall take effect.

Issued: May 23, 1972.

By the Commission.

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

[FR Doc.72-10045 Filed 6-30-72;8:46 am]

Title 7—AGRICULTURE

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

SUBCHAPTER C—SPECIAL PROGRAMS

[Rev. 1]

PART 760—INDEMNITY PAYMENT PROGRAMS

Subpart—Beekeeper Indemnity Payment Program

Correction

In F.R. Doc. 72-8793, appearing at page 11670, in the issue of Saturday, June 10, 1972, the word "without" in the second line of § 760.113(b)(2), should read "withhold".

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

[Valencia Orange Reg. 397, Amdt. 1]

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

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 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 recommendation 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 amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraphs (b)(1) (i), (ii), and (iii) of § 908.697 (Valencia Reg. 397, 37 F.R. 12306) during the period June 23, through June 29, 1972, are hereby amended to read as follows:

§ 908.697 Valencia Orange Regulation 397.

* * * * *

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

(i) District 1: 259,000 cartons;

(ii) District 2: 308,000 cartons;

(iii) District 3: 133,000 cartons.

* * * * *

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

Dated: June 28, 1972.

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

[FR Doc.72-10102 Filed 6-30-72;8:51 am]

[Lemon Reg. 540]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.840 Lemon Regulation 540.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 36 F.R. 9061), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as 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 became effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of

the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 27, 1972.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period July 2, 1972, through July 8, 1972, is hereby fixed at 250,000 cartons.

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

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

Dated: June 29, 1972.

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

[FR Doc.72-10158 Filed 6-30-72;8:54 am]

[Pear Reg. 1]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Pear Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) This action reflects the Department's appraisal of the need for regulation, and of the crop and current and prospective market conditions. Shipments of pears from the production area are expected to begin on or about July 2, 1972. The grade and size requirements provided herein are designed to prevent the handling, on and after July 2, 1972, of any pears which do not comply with such requirements, so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while improving returns to producers pursuant to the declared policy of the act. The container marking requirements, included herein, are necessary to assure that containers are properly marked as to variety for inspection identification.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 2, 1972. A reasonable determination as to the supply of, and the demand for, such pears must await the development of the crop thereof, and adequate information thereon was not available to the Pear Commodity Committee until June 21, 1972, on which date an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such pears. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information and regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such pears are expected to begin on or about the effective date hereof; this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this regulation are identical with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such pears; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 917.428 **Pear Regulation 1.**

(a) *Order.* During the period July 2, 1972, through August 2, 1972, no handler shall ship:

(1) Bartlett, Max-Red (Max-Red Bartlettt, Red Bartlett), or Rosired (Rosired Bartlett) varieties of pears which do not grade at least U.S. Combination, with not less than 80 percent, by count, of the pears grading at least U.S. No. 1;

(2) Any box or container of Bartlett, Max-Red (Max-Red Bartlett, Red Bartlett), or Rosired (Rosired Bartlett) varieties of pears unless such pears are of a size not smaller than the size known commercially as size 165: *Provided,* That a handler may ship, during any day from any shipping point, a quantity of such pears which are smaller than the size known commercially as size 165 if (i) such smaller pears are not smaller than the size known commercially as size 180, and (ii) the quantity of such smaller pears shipped from such shipping point does not, at the end of any day during the aforesaid period, exceed 5.263 percent of such handler's total shipments of such pears, shipped from the same shipping point, which are not smaller than the size known commercially as size 165; or

(3) Any box or container of pears of any variety unless such box or container is stamped or otherwise marked, in plain sight and in plain letters, on one outside end with the name of the variety, if known, or when the variety is not known, the words "unknown variety."

(b) *Definitions.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(2) "Size known commercially as size 165" means a size of pear that will pack a standard pear box, packed in accordance with the specifications of a standard pack, with 165 pears and with the 22 smallest pears weighing not less than 5¾ pounds.

(3) "Size known commercially as size 180" means a size of pear that will pack a standard pear box, packed in accordance with the specifications of a standard pack, with five tiers, each tier having six rows with six pears in each row, and with the 21 smallest pears weighing not less than 5 pounds.

(4) "Standard pear box" means the container so designated in section 43599 of the Agricultural Code of California.

(5) "U.S. No. 1," "U.S. Combination," and "standard pack" shall have the same meaning as when used in the U.S. Standards for Pears (Summer and Fall), 7 CFR 51.1260–51.1280.

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

Dated: June 29, 1972.

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

[FR Doc.72-10159 Filed 6-30-72;8:54 am]

PART 930—CHERRIES GROWN IN MICHIGAN, NEW YORK, WISCONSIN, PENNSYLVANIA, OHIO, VIRGINIA, WEST VIRGINIA, AND MARYLAND

Subpart—Rules and Regulations

ASSESSMENT PROCEDURE; CORRECTION

In the FEDERAL REGISTER issue of January 5, 1972, § 930.107 of Subpart—Rules and Regulations (37 F.R. 273), § 930.106 was incorrectly referenced as § 930.104 and is hereby corrected to read as follows:

§ 930.107 **Assessment procedure.**

Upon receipt of pack completion report as required by § 930.106, each handler shall be assessed an amount per ton as determined by the board and approved by the Secretary, on all cherries

handled. Each handler shall pay interest of 1 percent per month on any unpaid balance beginning 30 days after date of billing.

Dated: June 27, 1972.

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

[FR Doc.72-10075 Filed 6-30-72;8:50 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1972 Crop Peanut Farm-Stored Loan and Purchase Supp.]

PART 1421—GRAIN AND SIMILARLY HANDLED COMMODITIES

Peanut Loan and Purchase Program

On page 2844 of the FEDERAL REGISTER of February 8, 1972, there was published a notice of proposed rule making relating to a loan and purchase program for 1972 crop peanuts.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed program. None of the written comments, suggestions or objections received pertained to the aspects of the loan and purchase program covered by this subpart.

The General Regulations Governing Price Support for the 1970 and Subsequent Crops of Grain and Similarly Handled Commodities (35 F.R. 7363) and any amendments thereto (hereinafter referred to as "the general regulations") and the 1970 and Subsequent Crops Peanut Farm-Stored Loan and Purchase Supplement (35 F.R. 12706) and any amendments thereto (hereinafter referred to as "the continuing supplement"), which contain regulations of a general nature with respect to loan and purchase operations, are further supplemented by revising §§ 1421.291–1421.294 to read as follows, effective as to the 1972 crop of peanuts. The material previously appearing in these sections remains in full force and effect as to the crops to which it was applicable.

Subpart—1972 Crop Farm-Stored Peanut Loan and Purchase Program

Sec.
1421.291 Purpose.
1421.292 Availability.
1421.293 Maturity of loans.
1421.294 Loan and purchase rates.

AUTHORITY: The provisions of this subpart issued under 62 Stat. 1070, as amended, 15 U.S.C. 714 (b) and (c); 63 Stat. 1051, as amended, 7 U.S.C. 1441, 1421, 1423, 1425.

§ 1421.291 Purpose.

This supplement, together with the applicable provisions of the general regulations and the provisions of the continuing supplement, apply to farm-stored loans and purchases for the 1972 crop of peanuts.

§ 1421.292 Availability.

(a) *Farm-stored loans.* Producers must request a loan on 1972 crop eligible peanuts on or before March 31, 1973.

(b) *Purchases.* Producers desiring to offer eligible peanuts not under loan for purchase must execute and deliver to the appropriate county ASCS office, on or before April 30, 1973, a Purchase Agreement (Form CCC–614) indicating the approximate quantity of 1972 crop peanuts he may sell to CCC.

§ 1421.293 Maturity of loans.

Unless demand is made earlier, farm-stored loans on farmers' stock peanuts will mature on April 30, 1973.

§ 1421.294 Loan and purchase rates.

(a) *Loan rate.* Subject to the discounts specified in paragraph (b) of this section, the loan rates for farmers' stock peanuts placed under farm-stored loan shall be the following rates by types per ton:

Type:	*Dollars[1] per ton*
Virginia	286
Runner	281
Southeast Spanish	274
Southwest Spanish	270
Valencia (suitable for cleaning and roasting in southwest)[2]	286

[1] These rates may be increased. The increase, if any, will be made by an amendment to this section issued shortly after August 1, 1972.

[2] The price for all Valencia-type peanuts in the Southeast and Virginia-Carolina areas and for those Valencia-type peanuts in the Southwest area which are not suitable for cleaning and roasting will be the same as for Spanish-type peanuts in the same area.

(b) *Location adjustments to support prices.* The loan rates specified in paragraph (a) of this section shall be subject to the following discounts for farmers' stock peanuts placed under a farm-stored loan in the States specified where peanuts are not customarily shelled or crushed:

State:	*Dollars per ton*
Arizona	25
Arkansas	10
California	33
Louisiana	7
Mississippi	10
Missouri	10
Tennessee	25

(c) *Settlement values.* The support prices, premiums, and discounts for use in computing the settlement value, under § 1421.289(b)(2) of the continuing supplement, of peanuts acquired by CCC under loan or purchase shall be those specified in § 1446.44 of the 1972 crop peanut warehouse storage loan and sheller purchase supplement, including the location adjustments specified therein for peanuts delivered to CCC in States where peanuts are not customarily shelled or crushed.

Effective date. These regulations shall be effective upon publication in the FEDERAL REGISTER (7–1–72).

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

JUNE 26, 1972.

[FR Doc.72-10114 Filed 6-30-72;8:52 am]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

PART 225—BANK HOLDING COMPANIES

CFR Correction

The heading for § 225.4 appearing on page 542 of title 12, parts 1 to 299, revised as of January 1, 1972 is in error. As corrected, the heading reads as folows:

§ 225.4 Nonbanking activities.

* * * * *

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 12032; Amdt. 39–1479]

PART 39—AIRWORTHINESS DIRECTIVES

Rolls Royce Dart Model 542–4, –4K, –10, –10J, and –10K Engines

Pursuant to the authority delegated to me by the Administrator (14 CFR § 11.89), an airworthiness directive was adopted April 13, 1972, and made effective immediately, by telegram, to all known operators of airplanes equipped with Rolls Royce Dart Model 542–4, –4K, –10, –10J, and –10K engines incorporating Rolls Royce Dart Modification 1455 because of a recent in-flight failure of a first stage (low pressure) impeller which resulted in destruction of an engine and other damage to the airplane. The directive established a service life of 13,000 flights after the incorporation of Modification 1455 for first stage (low pressure) impellers so modified. Based on further examination of failed and high time impellers and information obtained from spin testing, the FAA determined that safety required the service lives of those impellers to be reduced to 11,000 flights after the incorporation of Modification 1455. The FAA also determined that that service life also applied to impellers that do not incorporate Modification 1455. Therefore, the airworthiness directive adopted April 13, 1972, was superseded by a telegraphic AD adopted May 31, 1972, that

requires replacement or incorporation of Modification 1455 on first stage (low pressure) impellers that are not so modified before the accumulation of 11,000 flights on an impeller and the replacement of impellers incorporating Modification 1455 before the accumulation of 11,000 flights after the incorporation of that modification.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the May 31, 1972, airworthiness directives effective immediately as to all known U.S. operators of aircraft equipped with Rolls Royce Dart Model 542-4, -4K, -10, -10J, and -10K engines by telegram dated May 31, 1972. These conditions still exist and their airworthiness directive adopted May 31, 1972, is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

ROLLS ROYCE. Applies to series Dart Model 542-4, -4K, -10, -10J, and -10K engines. These engines are installed on but not necessarily limited to those Convair Model 340/440 airplanes (commonly known as Convair 600 and 640) which have the subject engines installed as a result of modification and NAMC YS-11 airplanes.

Compliance is required as indicated.

To prevent possible fatigue failure of first stage (low pressure) impellers, accomplish the following:

(a) For first stage (low pressure) impeller that does not incorporate Rolls Royce Dart Modification 1455, within the next 100 flights after the effective date of this AD or before the accumulation of 11,000 flights on that impeller, whichever occurs later, comply with subparagraph (c)(1) or (c)(2) and thereafter comply with paragraph (d) or (e) as applicable.

(b) For a first stage (low pressure) impeller that incorporates Rolls Royce Dart Modification 1455, within the next 100 flights after the effective date of this AD or before the accumulation of 11,000 flights after the incorporation of Rolls Royce Dart Modification 1455, whichever occurs later, comply with subparagraph (c)(1) or (c)(2) and comply with paragraph (d) or (e) as applicable.

(c) Comply with subparagraph (1) or (2) of this paragraph as prescribed in paragraphs (a), (b), (d), and (e).

(1) Remove the first stage (low pressure) impeller from service and replace it with—

(i) A first stage (low pressure) impeller that does not incorporate Rolls Royce Dart Modification 1455 and which has accumulated less than 11,000 flights in service; or

(ii) A first stage (low pressure) impeller that incorporates Rolls Royce Dart Modification 1455 and which has accumulated less than 11,000 flights in service since the incorporation of that modification.

(2) For an impeller that does not have Rolls Royce Dart Modification 1455 incorporated, incorporate that modification.

(d) For an impeller that has been installed in compliance with subparagraph (c)(1)(i), before the accumulation of 11,000 flights on that impeller comply with subparagraph (c)(1) or (c)(2).

(e) For an impeller that has been installed in compliance with subparagraph (c)(1)(ii) or modified in accordance with subparagraph (c)(2), before the accumulation of 11,000 flights since the incorporation of Rolls Royce Dart Modification 1455 on that impeller comply with subparagraph (c)(1).

(f) For the purpose of complying with this AD, a flight shall consist of an engine operating sequence consisting of an engine start, takeoff operation, landing, and engine shutdown. The number of flights may be determined by actual count or, subject to acceptance by the assigned FAA Maintenance Inspector, may be calculated by dividing the compressor section's time in service by the operator's fleet average time per flight for airplanes equipped with the subject type engines.

This AD supersedes the telegraphic AD on the same subject issued on April 13, 1972.

NOTE: Rolls Royce Dart Alert Service Bulletin No. DA 72-391 Revision 1, dated May 1, 1972 refers to this matter.

This amendment is effective upon publication in the FEDERAL REGISTER (7-1-72) as to all persons except those persons to whom it was made immediately effective by the telegram dated May 31, 1972, which contained this amendment.

(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 21, 1972.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.72-10027 Filed 6-30-72;8:50 am]

[Airspace Docket No. 72-NE-6]

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

Alteration of Transition Area

The Federal Aviation Administration is amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the North Conway, N.H., Transition Area (37 F.R. 2253).

On March 16, 1972, the Federal Aviation Administration published an amendment on Page 5488 of the FEDERAL REGISTER (37 F.R. 5488) which altered the description of the Whitefield, N.H., 1,200-foot Transition Area. Included in this alteration was a deletion of the reference to the Whitefield RBN and a substitution in its place of a reference to the Dalton, N.H., RBN. Action is taken herein to make a similar change to the description of the North Conway, N.H., 1,200-foot Transition Area so as to make its description consistent with that of the Whitefield, N.H., 1,200-foot Transition Area. The alteration to the boundary of the North Conway 1,200-foot Transition Area resulting from this change will be minor in nature.

Since the amendment is minor in nature and is one in which members of the public are not particularly interested, notice and public procedure thereon are unnecessary and good cause exists for making this amendment effective in less than thirty (30) days.

In view of the following, the Federal Aviation Administration, having completed review of the airspace requirements in the terminal airspace of the aforementioned location, amends Part 71 of the Federal Aviation Regulations as follows effective upon publication in the FEDERAL REGISTER (7-1-72):

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the phrase "Whitefield, N.H., RBN (44°21'58" N., 71°33'00" W.)" and inserting in lieu thereof the phrase "Dalton, N.H., RBN (44°21'43" N., 71°41'08" W.)."

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

Issued in Burlington, Mass., on June 21, 1972.

FERRIS J. HOWLAND,
Director, New England Region.

[FR Doc.72-10028 Filed 6-30-72;8:45 am]

[Airspace Docket No. 72-GL-31]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Peoria, Ill., transition area.

The instrument approach procedure to the Ingersoll Airport, Canton, Ill., has been revised. The revision has changed the airspace requirement by decreasing the amount required to protect the procedure. This airspace is combined with Peoria, Ill., under the Peoria designation. This alteration imposes no additional burden on any person, therefore, notice and public procedure hereon are unnecessary.

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

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

PEORIA, ILL.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Greater Peoria Airport (latitude 40°-39'47" N., longitude 89°41'22" W.); within a 7 mile radius of the Ingersoll Airport (latitude 40°34'10" N., longitude 90°04'24" W.); within 9.5 miles south and 4.5 miles north of the Peoria VORTAC 279° radial, extending from the VORTAC to 18.5 miles west of the VORTAC; within 9.5 miles southwest and 4.5 miles northeast of the Greater Peoria Airport ILS localizer northwest course, extending from 3.5 miles northwest of the airport to 22 miles northwest of the airport; and within 6.5 miles northwest and 5 miles southeast of the Peoria VORTAC 052° radial, extending from the VORTAC to 12 miles northeast of the VORTAC.

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

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

LYLE K. BROWN,
Director, Great Lakes Region.

[FR Doc.72-10029 Filed 6-30-72;8:45 am]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter X—Office of Foreign Direct Investments, Department of Commerce

PART 1000—FOREIGN DIRECT INVESTMENT REGULATIONS

Miscellaneous Amendments

EDITORIAL NOTE: The Foreign Direct Investment Regulations appear in Title 15, Chapter X, Part 1000 of the Code of Federal Regulations (CFR). All sections of the Foreign Direct Investment Regulations contained in CFR are preceded by the designation "1000" (e.g. § 1000.312). The "1000" prefix has, for convenience, been eliminated from the section references contained in the explanatory material below. The abbreviations "DI" and "AFN" are used to refer to "direct investor" and "affiliated foreign national."

On May 20, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 10380) with respect to certain amendments to the Foreign Direct Investment Regulations (the "regulations") proposed by the Office of Foreign Direct Investments (the "Office").

After consideration of all comments and suggestions presented by interested persons with respect to the proposed amendments, such amendments, with certain modifications and conforming amendments which do not involve any material substantive changes, are hereby adopted, effective July 1, 1972, as set forth below. These amendments relieve restrictions or are editorial in nature.

The amendments (i) permit substitution of foreign borrowing by a DI for borrowing by the DI from its overseas finance subsidiary (OFS), and vice versa, (ii) provide for the assumption by a DI of obligations incurred by its OFS, (iii) provide greater flexibility for holding and allocation of available proceeds of long-term foreign borrowing, and (iv) extend the period for DIs to engage in transactions in order to comply with the regulations during 1972. In addition, corrections and other editorial changes are made. The amendments are described below.

Prior to allocating available proceeds of long-term foreign borrowing under section 306(e), many DIs have used such proceeds for domestic purposes. Thereafter, proceeds that were not specifically distinguishable could not be held in the form of liquid foreign balances under the section 203(c) exemption for available proceeds, although the amount of such proceeds remained available for allocation. Under the amendment to section 203(c), the exemption for available proceeds corresponds to the amount that is available for allocation.

Many DIs have expended available proceeds of long-term foreign borrowing in making transfers of capital, although their allowables were sufficient to authorize positive direct investment without the deduction for expenditure of available proceeds that has been required under section 313(d)(1). In cases where the DI elected the historical or earnings allowables under section 504, the unneeded deduction for the expenditure of available proceeds was remedied by the carryforward allowable which it generated. A DI which elected the minimum allowable under section 503 or section 507, however, has been unable to carry forward unused allowable. The revocation of section 313(d)(1) removes this barrier to the free use of funds for transfers of capital that are within a DIs allowables. Proceeds of long-term foreign borrowing that are expended in making transfers of capital on or after July 1, 1972 remain available for allocation under section 306(e) when required for compliance. Correspondingly, an amendment to section 306(e) permits expenditure of available proceeds in making transfers of capital to AFNs, without deduction, at any time before or after the allocation of such proceeds.

The revocation for 1971 of the prohibition against a positive net transfer of capital under section 203(d)(1) is to be made permanent. The 2-month allocation and negative transfer of capital provisions that applied only to the 1971 compliance year are retained in substantially the same form for the 1972 compliance year in sections 306(e)(1) and 313(e), respectively. Under the amendment to section 306(e)(1), a DI is permitted to deduct from positive direct investment made during 1972 an amount equal to available proceeds of long-term foreign borrowing (or proceeds borrowing from its OFS) made on or before February 28, 1973. Under the amendment to section 313(e), a DI is permitted to treat as repaid during 1972 any debt obligations or other credits of AFNs that are outstanding on December 31, 1972, and are in fact repaid by the AFNs to the DI during the month of January 1973 or, as alternatively elected by the DI, during January and February 1973. The aggregate amount of repayments receiving this prior-year treatment may not exceed the worldwide negative net transfer of capital to all non-Canadian AFNs that is made by the DI during the period elected.

Under section 3(a) of the Interest Equalization Tax Extension Act of 1971 (the "Act"), a U.S. person may assume certain debt obligations incurred by a finance subsidiary and elect under section 4912(c) of the Internal Revenue Code of 1954, as amended (IRC), to have such obligations treated as obligations of a foreign obligor. The acquisition by U.S. persons of such obligations is subject to the Interest Equalization Tax. The election is also available with respect to certain debt obligations issued by U.S. corporations and partnerships. Under this procedure, interest payments to nonresident aliens and foreign corporations are not subject to withholding of U.S. income tax at source. It is recognized that a substantial U.S. balance of payments benefit will be realized upon return of OFS equity capital to the United States following assumption by U.S. persons of indebtedness incurred by the OFSs. In order to further this objective, various legislative proposals are at present under consideration to supplement the provisions of the Act. H.R. 9040 would accommodate U.S. estate tax provisions to the section 4912(c) election procedure. The present amendments to the regulations facilitate the assumption by a DI of obligations incurred by its OFS (section 1407) and permit the interchange of DI and OFS borrowing (section 1406).

Additional changes in the regulations (i) correct the numbering of paragraphs and citations contained in sections 304 and 505(c), (ii) reflect the revocation of sections 203(d)(1) and 313(d)(1), and (iii) clarify the meaning of section 1405(c).

The amendments are described in greater detail as follows:

1. *Liquid foreign balance exemption for available proceeds.* Amended section 203(c) provides that a DI must limit the amount of non-Canadian liquid foreign balances held at the end of any month to an amount determined by adding together (1) the amount of the DI's available proceeds of long-term foreign borrowing, calculated at the end of such month under section 324, plus (2) a minimum amount of $100,000 or, if greater, the average end-of-month amount of non-Canadian liquid foreign balances (excluding available proceeds) that were held by the direct investor during 1965 and 1966.

Under amended section 203(c) the average amount of historical liquid foreign balances of the DI is calculated in the same manner as the calculation under the former section 203(c), i.e., both Canadian foreign balances and available proceeds are excluded from the calculation of the historical amount. Consequently, DIs will not be required to recalculate this amount as reported on Forms FDI–102 previously filed with the Office.

2. *Revocation of prohibition against positive net transfer of capital.* Section 203(d)(1) has prohibited a DI electing historical or earnings allowables from making a positive net transfer of capital during a year at the end of which the DI holds available proceeds in the form of foreign property. This section, which was revoked for compliance year 1971, is now permanently revoked. Amended section 1403(b) reflects the revocation of section 203(d)(1).

3. *Definition of affiliated foreign national.* Sections 304 and 505(c) are amended to correct numbering and citation errors within the sections.

4. *Allocation and expenditure of available proceeds.* Section 313(d)(1) is revoked, thereby removing from the regulations the mandatory deduction for expenditure of available proceeds of long-term foreign borrowing. Instead, available proceeds that are expended by a DI in making a transfer of capital on or after July 1, 1972 remain available for allocation and may be allocated as required by the DI to achieve compliance with the regulations. A corresponding amendment to section 306(e) permits proceeds that are so expended and subsequently allocated to remain expended

in the AFN to which the transfer of capital was made by the DI. Except for proceeds that are expended in making a transfer of capital, however, the prohibition against holding allocated proceeds in any form of foreign property remains in effect.

DIs are cautioned that deductions under section 313(d)(1) must be made for all transfers of capital made with available proceeds prior to July 1, 1972. Available proceeds that were so expended prior to such date may not be allocated to positive direct investment under amended section 306(e)(1). Also, the repayment of long-term foreign borrowing at any time will continue to involve a transfer of capital under section 312(a)(7) or section 1404(a)(2) to the extent that a deduction for expenditure of available proceeds of such borrowing was made under section 313(d)(1). Amended section 203(d)(2) provides for allocation where a deduction for expenditure of available proceeds previously was made under section 313(d)(1). Amended section 324(d) reduces available proceeds where such proceeds were expended prior to July 1, 1972. Amended section 1404(a)(2) provides for the recognition of a transfer of capital upon repayment of an overseas borrowing where a deduction for expenditure of available proceeds previously was made under section 313(d)(1).

5. *Allocation to 1972 positive direct investment.* The amendment to section 306(e)(1) permits a DI to deduct from positive direct investment made during 1972 an amount equal to any available proceeds of long-term foreign borrowing (or proceeds borrowing from the DI's overseas finance subsidiary) made on or before February 28, 1973, that are allocated to such positive direct investment, provided (1) the DI makes the appropriate bookkeeping entries for allocation, (2) the allocation and deduction are reported on the DI's Form FDI–102F for 1972, and (3) the proceeds, as of February 28, 1973, are not held, directly or indirectly, in any form of foreign property. However, such proceeds may be expended by the DI in making a transfer of capital to an AFN at any time on or after July 1, 1972.

Thus, a DI may reduce positive direct investment made during 1972 by allocating available proceeds of any long-term foreign borrowing that is outstanding on February 28, 1973. Such borrowing may be made during January or February 1973, or may have been made by the DI during 1972 or a prior year. The 12-month maturity test for long-term foreign borrowing will, of course, apply to any borrowing of which available proceeds are allocated, i.e., the borrowing, as refinanced, must be continuously outstanding for at least 12 months.

It should be noted by DI's that they may allocate to positive direct investment made during 1972 any proceeds that are available for allocation on December 31, 1972, notwithstanding the repayment of the underlying long-term foreign borrowing during January or February 1973. Such repayment will involve a transfer of capital during 1973.

6. *Repayment of debt by AFN to DI: prior-year treatment.* The amendment to secion 313(e) permits a DI, in calculating a net transfer of capital made during 1972, to treat as repaid during 1972 any debt obligation or other credit of an AFN that was outstanding on December 31, 1972, and is in fact repaid by the AFN to the DI during January or February 1973. The aggregate amount of repayments receiving this prior-year treatment may not exceed the worldwide negative net transfer of capital to all non-Canadian AFNs that is made by the DI during such 2-month period. If the DI makes a positive net transfer of capital to all non-Canadian AFNs during such period, prior-year treatment of repayments is not available.

Alternatively, a DI may treat as repaid during 1972 any debt obligation or other credit of an AFN that was outstanding on December 31, 1972, and is in fact repaid by the AFN to the DI on or before January 31, 1973. If the DI elects this 1-month period, the aggregate amount of repayments receiving prior-year treatment may not exceed the worldwide negative net transfer of capital to all non-Canadian AFNs that is made by the DI during January 1973. Prior-year treatment is not available under this alternative if the DI makes a positive net transfer of capital to all non-Canadian AFNs during January.

In calculating the net transfer of capital to determine whether prior-year treatment of repayments is available, the aggregate of all transfers of capital made during the relevant 1- or 2-month period by all non-Canadian incorporated AFNs to the DI is subtracted from the aggregate of all transfers of capital made during such period by the DI to its non-Canadian incorporated AFNs, and the result is added to the net transfer of capital made by the DI to all of its non-Canadian unincorporated AFNs during such period. This calculation is made on a worldwide basis by all DIs, without regard to the election of worldwide or schedular allowables for 1972. Transfers of capital resulting from the repayment of long-term foreign borrowing during the 1- or 2-month period must be included. A DI shall exclude from this calculation any transfers of capital that are deemed to occur as the result of conditions imposed by specific authorization or compliance settlement.

If a DI makes a negative net transfer of capital, calculated as described above, repayments of qualifying debt obligations or other credits by AFNs to the DI during the 1- or 2-month period in 1973 that is elected for such purpose may be treated as having been made from their respective scheduled areas during 1972. The aggregate amount of repayments selected by the DI to receive such prior-year treatment may not exceed the worldwide negative net transfer of capital. However, such repayments are not required to be made from a particular scheduled area in which there is a negative net transfer of capital.

The effect of prior-year treatment of repayments is to reduce direct investment made by the DI during 1972 for all purposes, including compliance and the calculation of amounts specifically authorized. For example, prior-year treatment may reduce the amount of merchandise export credit relief available under a specific authorization issued for 1972. It should be noted that repayments during 1973 that are treated as having occurred during 1972 will be excluded from the calculation of direct investment made during 1973, which will increase correspondingly.

7. *Authorized repayment of overseas borrowing.* Amended section 1405(c) clarifies the inclusion of repayment of overseas borrowing within the meaning of the term "transfer of capital" as used in section 1002 (b) and (c).

8. *Interchange of borrowing by DI and OFS.* Under section 1406, a DI may substitute foreign borrowing for borrowing by the DI from its OFS, or vice versa, and treat the later borrowing as a continuance of the borrowing for which it was substituted. The two types of borrowing that may be interchanged under section 1406 are (i) foreign borrowing, as defined in section 324(a)(1), and (ii) proceeds borrowing as defined in section 1401(e), or borrowing by a DI from its OFS that would qualify as proceeds borrowing under section 1401(e) if such borrowing and the underlying borrowing by the OFS were continuously outstanding for at least 12 months. All or a portion of a borrowing of one type may be substituted for an equal amount of the other type of borrowing. A borrowing that is substituted for an earlier borrowing must be made on or before the date of repayment of the earlier borrowing. The DI must record a substitution on the books and records required under sections 203(b), 601 and 1402(b).

The original and substitute borrowings are tacked together for the purpose of determining the period during which the original borrowing is treated as having been outstanding. Substitution may be used to qualify a foreign borrowing as long-term foreign borrowing under section 324(a)(2), or to qualify a borrowing by a DI from its OFS as proceeds borrowing under section 1401(e). The borrowing for which another borrowing has been substituted may be repaid to the extent of the substitution without any reduction of available proceeds or charge for a transfer of capital. A borrowing by an OFS underlying a borrowing by the DI from the OFS may likewise be repaid without any reduction of available proceeds or charge for a transfer of capital, to the extent that foreign borrowing is substituted for the borrowing by the DI from the OFS.

Although a substitute borrowing is treated as a continuance of the earlier borrowing, the repayment of the substitute borrowing will have the effect provided under the regulations for repayment of the substitute type of borrowing. Thus, foreign borrowing that is substituted for borrowing by the DI from its OFS may qualify the earlier borrowing as proceeds borrowing under section 1401(e), but the repayment of the foreign

borrowing will reduce proceeds as provided under section 324(c) or involve a transfer of capital under section 312(a)(7). Similarly, a proceeds borrowing that is substituted for foreign borrowing may qualify the foreign borrowing as a long-term foreign borrowing under section 324(a)(2), but the repayment of the proceeds borrowing will have the effect provided under section 1404.

9. *Assumption by a DI of borrowing by its OFS.* Under new section 1407, a DI making an election under IRC section 4912(c) may assume an obligation of its OFS to repay overseas borrowing or borrowing that would qualify as overseas borrowing if it were continuously outstanding for at least 12 months. The effect of an assumption of overseas borrowing will be determined by serial application of the following rules:

(i) To the extent of available overseas proceeds held by the OFS at the time of the assumption, the DI will be charged with a transfer of capital to the OFS. At the same time, however, the assumption will constitute a foreign borrowing by the DI in an amount equal to the DI's transfer of capital to the OFS. If such borrowing qualifies as long-term foreign borrowing under section 324(a)(2), available proceeds thereof may be deducted from positive direct investment by allocation under section 306(e).

(ii) In proportion to and to the extent of overseas proceeds that have been transferred by the OFS under section 1403(a)(2) to other AFNs of the DI and are held by such AFNs at the time of assumption, the DI will be charged with transfers of capital to such AFNs. The assumption will also constitute a foreign borrowing by the DI in an amount equal to the total transfers of capital to such AFNs. If such borrowing qualifies as long-term foreign borrowing under section 324(a)(2), available proceeds thereof may be deducted from positive direct investment by allocation under section 306(e).

(iii) To the extent of overseas proceeds which have been transferred to the DI in proceeds borrowing under section 1403(a)(1) that is outstanding at the time of assumption, the DI will not be charged with a transfer of capital. The assumption will constitute a foreign borrowing by the DI that has been substituted for proceeds borrowing under section 1406. The foreign borrowing involved in the assumption will be treated as a continuance of the borrowing by the DI from its OFS that is repaid (without effect under the regulations) in connection with the assumption.

(iv) Any additional amount of assumed obligation that is not covered under paragraphs (i) through (iii) will constitute foreign borrowing by the DI, but not a transfer of capital. Such amount should correspond to the difference between the aggregate principal amount of the obligation that was assumed and the amount of funds or other property received by the OFS after the initial offering expenses were deducted.

Finally, an assumption will reduce overseas proceeds of the overseas borrowing which the DI has obligated itself to repay by the amount of the assumed obligation or the amount of such overseas proceeds, whichever is less.

The above rules, appropriately adjusted, apply also to assumption of borrowing that would qualify as overseas borrowing if outstanding for at least 12 months.

Any assumption of an OFS's debt obligation under section 1407 must be recorded by the DI in the books and records required to be maintained under sections 203(b) and 1402(b). The DI should identify the specific borrowing it has become obligated to repay and reflect its application of the rules of sections 1406 and 1407 to the assumption.

No provision has been added to the regulations relating to a DI's assumption of debt obligations of an international finance subsidiary (IFS), as defined in section 323(a). A DI and its IFS are considered a single person under section 323(b). Any assumption of an IFS's obligation, if made pursuant to an election under IRC section 4912(c), would not bring about any change in a DI's foreign borrowing under section 324.

10. *Effect on 1970 General Bulletin and Supplement No. 1.* The "1970 General Bulletin" and "Supplement No. 1" thereto interpret the regulations as in effect for 1971 and will continue to do so for 1972 to the extent not affected by these or any subsequent amendments. Material in these documents relating to the holding, allocation and expenditure of available proceeds of long-term foreign borrowing, and to OFSs, should be used carefully in view of these amendments.

The amended sections are as follows:

1. Section 1000.203 is amended to read as follows:

§ 1000.203 Liquid foreign balances.

* * * * *

(c) Each direct investor is hereby required to limit the amount of liquid foreign balances held at the end of any month (other than Canadian foreign balances, as defined in § 1000.1105(a)) to the sum of (1) the amount of available proceeds (as defined in § 1000.324(d)) of such direct investor at the end of such month, plus (2) the greater of (i) the average end-of-month amount of such balances (other than available proceeds in the form of such balances, and Canadian foreign balances) held by such direct investor during 1965 and 1966 (whether or not a direct investor at that time) or (ii) $100,000.

(d) (1) [Revoked]

(2) A direct investor which, during 1968 or any succeeding year, expended proceeds of long-term foreign borrowing and made a deduction from net transfer of capital to a scheduled area under § 1000.313(d)(1) may thereafter deduct, during 1969 or any succeeding year, from positive direct investment in a different scheduled area, an amount equal to all or a part of such expended proceeds as are allocated pursuant to this subparagraph. Proceeds shall be allocated in a different scheduled area pursuant to this subparagraph if (i) an entry is made in the books and records maintained by the direct investor under paragraph (b) of this section and § 1000.601; (ii) the allocation and the deduction from positive direct investment in a different scheduled area are reported on the next annual report of the direct investor (Form FDI-102F) filed for the year for which the deduction is made; and (iii) the proceeds with respect to which such deduction is made, as of the end of the year for which the deduction is made and thereafter, are not held, directly or indirectly, in the form of foreign balances or in the form of securities (including debt obligations, equity interests and any other type of investment contract) of foreign nationals or in the form of any other foreign property: *Provided,* That such proceeds may remain expended in an affiliated foreign national or again be expended at any time in making transfers of capital to affiliated foreign nationals. The direct investor shall be deemed at the time of such deduction from positive direct investment in a different scheduled area to have made a transfer of capital equal to the amount of such deduction to the scheduled area in which the deduction from net transfer of capital under § 1000.313(d)(1) was previously made. The direct investor may thereafter continue to change the scheduled area in which a deduction from positive direct investment is made, up to the amount of proceeds of long-term foreign borrowing expended in making the original transfer of capital for which a deduction under § 1000.313(d)(1) was made: *Provided,* That each time such change occurs, the direct investor shall be deemed to have made a transfer of capital to the immediately previous scheduled area in the amount of the deduction from positive direct investment in the subsequent scheduled area.

* * * * *

2. Section 1000.304 is amended to read as follows:

§ 1000.304 Affiliated foreign national.

(a) Except as provided in paragraphs (b)(4), (c), and (d) of this section, the term "affiliated foreign national" of a person within the United States includes each of the following in which such person owns, directly or indirectly, a 10-percent interest:

(1) A corporation or partnership organized under the laws of a foreign country (including all business ventures conducted by employees or partners of such corporation or partnership on behalf of such corporation or partnership within any foreign countries assigned to the same scheduled area as the country of organization);

(2) A business venture conducted within a foreign country on behalf of such person within the United States by such person or by employees or partners of such person; and

(3) A business venture conducted on behalf of a corporation or partnership organized under the laws of a foreign country by employees or partners of such

corporation or partnership if the business venture is conducted within a foreign country which is not assigned to the same scheduled area as the country of organization.

For purposes of determining whether a business venture conducted on behalf of a foreign corporation or partnership is a separate affiliated foreign national, Canada shall be deemed to be in a scheduled area other than Schedule B.

(b)(1) A corporation or partnership referred to in paragraph (a)(1) of this section is an affiliated foreign national in the scheduled area in which the foreign country under whose laws it is organized is located. A business venture referred to in paragraph (a) (2) or (3) of this section is an affiliated foreign national in the scheduled area in which the business is conducted: *Provided*, That, if such a business venture is conducted in more than one scheduled area during any year, the scheduled area in which the business venture is conducted for the greatest period of time during such year shall, for purposes of this section, be deemed the only scheduled area in which the business venture is conducted during such year.

(2) The term "10 percent interest," when used with respect to any corporation, partnership or business venture referred to in paragraph (a) of this section, means (i) 10 percent or more of the total combined voting power of all outstanding securities of such corporation or (ii) 10 percent or more of the profit interest in such partnership or business venture. Whether a person within the United States directly or indirectly owns a 10 percent interest in a corporation, partnership or business venture referred to in paragraph (a) of this section shall be determined in accordance with the provisions of §§ 1000.901 and 1000.902.

(3) For purposes of this part, the term "incorporated affiliated foreign national" includes a corporation described in paragraph (a)(1) of this section and the term "unincorporated affiliated foreign national" includes a partnership described in paragraph (a)(1) of this section and a business venture described in paragraph (a) (2) or (3) of this section.

(4) Notwithstanding the provisions of paragraph (a) of this section and the foregoing provisions of this paragraph (b), the Secretary retains full power, with respect to any person within the United States, to determine that any person is an affiliated foreign national of such person within the United States and to determine the scheduled area in which such affiliated foreign national is located.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a corporation, partnership or business venture referred to in paragraph (a) of this section shall not be considered an affiliated foreign national of a person within the United States if the operations of such corporation, partnership or business venture consist solely of charitable, educational, religious, scientific, literary or other similar activities not engaged in for profit.

(d) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a business venture referred to in paragraph (a) (2) or (3) of this section shall not be considered an affiliated foreign national of a person within the United States during any year if (1) the business venture does not have or involve, at any time during such year, gross assets of more than $50,000 (valued at the greatest of cost, book value, replacement value or market value); or (2) the business venture is commenced during such year and is not reasonably expected to be conducted within one or more foreign countries for more than 12 consecutive months; or (3) the business venture is terminated during such year and was not in fact conducted within one or more foreign countries for more than 12 consecutive months.

3. Section 1000.306(e) is amended to read as follows:

§ 1000.306 Positive and negative direct investment.

* * * * *

(e)(1) There shall be deducted from positive direct investment in a scheduled area during any year, as calculated under paragraph (a) of this section, an amount equal to any available proceeds (as defined in § 1000.324(d)) allocated by the direct investor to such positive direct investment for such year. Available proceeds shall be allocated to such positive direct investment for such year if (i) an entry is made in the books and records maintained by the direct investor under §§ 1000.203(b) and 1000.601; (ii) the allocation and deduction is reported on the next annual report of the direct investor (Form FDI–102F) filed for the year for which the deduction is made; and (iii) the proceeds, as of the end of the year for which the deduction is made and thereafter, are not held, directly or indirectly, in the form of foreign balances or in the form of securities (including debt obligations, equity interests and any other type of investment contract) of foreign nationals or in the form of any other foreign property: *Provided*, That proceeds so allocated may at any time be expended in making transfers of capital to affiliated foreign nationals. In addition, available proceeds of long-term foreign borrowing made on or before February 28, 1973 (including available proceeds so treated under § 1000.1403(a)(1) as the result of proceeds borrowing made on or before February 28, 1973) shall be allocated to such positive direct investment for the year 1972 if bookkeeping entries and a report on Form FDI–102F for 1972 are made with respect to such allocation, as required under this section, and such proceeds, as of February 28, 1973, are not held, directly or indirectly, in the form of foreign balances or in the form of securities of foreign nationals or in the form of any other foreign property: *Provided*, That proceeds so allocated may at any time be expended in making transfers of capital to affiliated foreign nationals.

(2) [Revoked]

* * * * *

4. Section 1000.313 (d) and (e) are amended to read as follows:

§ 1000.313 Net transfer of capital.

* * * * *

(d) In calculating the amount of the net transfer of capital made by a direct investor to a scheduled area during any period (including the years 1965 and 1966) pursuant to paragraph (c) of this section:

(1) [Revoked][1]

(2) There shall be included all transfers of funds or other property as a result of which the direct investor became a direct investor in any affiliated foreign national and all transfers of funds or other property to or on behalf of or for the benefit of such affiliated foreign national made by or on behalf of or for the benefit of such direct investor within 12 months (whether or not during the period for which the calculation is being made) prior to the date of the transfer by which it became a direct investor in such affiliated foreign national, to the same extent as if the direct investor had been a direct investor in such affiliated foreign national during such 12-month period.

(e)(1) In calculating the amount of the net transfer of capital made by a direct investor to all affiliated foreign nationals in any scheduled area during the year 1972, the direct investor may include transfers of capital by incorporated affiliated foreign nationals and decreases in net assets of unincorporated affiliated foreign nationals in such scheduled area that are recognized upon repayments of debt obligations outstanding as of December 31, 1972, by such affiliated foreign nationals to the direct investor during January 1973 or, as alternatively elected by the direct investor, during January and February 1973: *Provided*, That the direct investor has made a worldwide negative net transfer of capital during the period elected under this section: *And provided further*, That the aggregate amount of such transfers of capital and decreases in net assets included in calculating the amounts of the net transfers of capital made by the direct investor during the year 1972 does not exceed the amount of such worldwide negative net transfer of capital.

(2) The worldwide net transfer of capital by a direct investor during the period elected by the direct investor under this section means the algebraic sum of the net transfers of capital by the direct investor to all incorporated and unincorporated affiliated foreign nationals in all scheduled areas during such period.

(3) Any transfer of capital or decrease in net assets that is included in calculating the amount of a net transfer of capital made by a direct investor to all affiliated foreign nationals in any scheduled area during the year 1972 pursuant

[1] All references to § 1000.313(d)(1) refer to that section prior to its revocation effective July 1, 1972. Former § 1000.313(d)(1) read as follows:

"(1) There shall be deducted an amount equal to the proceeds of long-term foreign borrowing actually expended in making transfers of capital to affiliated foreign nationals in such scheduled area during such period."

to this section shall be excluded in calculating the amount of the net transfer of capital made by the direct investor to such affiliated foreign nationals in such scheduled area during the year 1973.

5. Section 1000.324(d) is amended to read as follows:

§ 1000.324 Long-term foreign borrowing.

* * * * *

(d) "Available proceeds" means proceeds of long-term foreign borrowing (as defined in paragraph (c) of this section) less (1) amounts allocated to positive direct investment and deducted under § 1000.306(e), and (2) amounts expended prior to July 1, 1972 in transfers of capital to affiliated foreign nationals other than Canadian affiliates as defined in § 1000.1101(a) and deducted under § 1000.313(d)(1).

6. Section 1000.505(c) is amended to read as follows:

§ 1000.505 Transfers between affiliated foreign nationals.

* * * * *

(c) For purposes hereof, the immediate parent of a partnership referred to in § 1000.304(a)(1) is the direct investor or affiliated foreign national which is the partner, the immediate parent of a business venture referred to in § 1000.304(a)(2) is the direct investor, and the immediate parent of a business venture referred to in § 1000.304(a)(3) is the corporation or partnership on whose behalf the business venture is conducted.

7. Section 1000.1403(b) is amended to read as follows:

§ 1000.1403 Transfers of overseas proceeds; foreign balances.

* * * * *

(b) *Foreign balances.* (1) Foreign balances, as defined in § 1000.203(a)(1), held in liquid form by an overseas finance subsidiary, other than (i) available overseas proceeds and (ii) funds contributed to an overseas finance subsidiary as original or additional equity capital, shall be included in the computation of liquid foreign balances held by the direct investor for purposes of § 1000.203(c).

(2) [Revoked]

8. Section 1000.1404(a)(2) is amended to read as follows:

§ 1000.1404 Repayment of overseas borrowing and proceeds borrowing.

(a) * * *

(2) The amount of any repayment by the direct investor of overseas borrowing or proceeds borrowing that exceeds the aggregate amount of reduction of available proceeds pursuant to subparagraph (1) of this paragraph shall constitute a transfer of capital to each scheduled area in proportion to and to the extent that the direct investor has expended or allocated to each such scheduled area available proceeds of long-term foreign borrowing and has made a deduction under § 1000.203(d)(2), § 1000.203(d)(3), § 1000.306(e), or § 1000.313(d)(1). Overseas proceeds so expended or allocated shall be reduced in the amount of transfers of capital to scheduled areas prescribed by this subparagraph.

* * * * *

9. Section 1000.1405(c) is amended to read as follows:

§ 1000.1405 Authorized repayments.

* * * * *

(c) For the purposes of § 1000.1002 (b) and (c), the term "transfer of capital" shall include a transfer of capital attributable to a repayment of overseas borrowing pursuant to § 1000.1404(a).

* * * * *

10. Section 1000.1406 is added:

§ 1000.1406 Substitution of borrowing.

(a) To the extent that a foreign borrowing (as defined in § 1000.324(a)(1)) is substituted for a proceeds borrowing, as defined in § 1000.1401(e), or for other borrowing by a direct investor from its overseas finance subsidiary that would qualify as a proceeds borrowing under § 1000.1401(e) if such borrowing and the underlying borrowing by the overseas finance subsidiary were continuously outstanding for at least 12 months, such foreign borrowing shall, for the purposes of this part, be treated as a continuance of such proceeds borrowing or other borrowing by the direct investor from its overseas finance subsidiary: *Provided,* That repayment of such foreign borrowing shall reduce proceeds of long-term foreign borrowing or involve a transfer of capital, or both, as prescribed under §§ 1000.324(c) and 1000.312(a)(7).

(b) To the extent that a proceeds borrowing, as defined in § 1000.1401(e), or other borrowing by a direct investor from its overseas finance subsidiary that would qualify as a proceeds borrowing under § 1000.1401(e) if such borrowing and the underlying borrowing by the overseas finance subsidiary were continuously outstanding for at least 12 months, is substituted for a foreign borrowing (as defined in § 1000.324(a)(1)), such proceeds borrowing or other borrowing by the direct investor from its overseas finance subsidiary shall, for the purposes of this part, be treated as a continuance of such foreign borrowing: *Provided,* That repayment of such borrowing from the overseas finance subsidiary or underlying foreign borrowing shall have the effect prescribed under § 1000.1404.

(c) A substitution under paragraph (a) or (b) of this section shall be made on the books and records maintained by the direct investor under §§ 1000.203(b), 1000.601, and 1000.1402(b).

11. Section 1000.1407 is added:

§ 1000.1407 Assumption of debt obligation incurred by overseas finance subsidiary.

(a) To the extent that a direct investor, pursuant to an election under section 4912(c) of the Internal Revenue Code of 1954, as amended, assumes the obligation to repay overseas borrowing incurred by an overseas finance subsidiary, such assumption is foreign borrowing as defined in § 1000.324(a)(1) and also shall have the effect prescribed by subparagraphs (1) through (5) of this paragraph:

(1) To the extent of available overseas proceeds of such overseas borrowing held by the overseas finance subsidiary at the time of assumption, such assumption shall constitute a transfer of capital by the direct investor to the overseas finance subsidiary.

(2) The amount of such assumption that exceeds the amount of the transfer of capital pursuant to subparagraph (1) of this paragraph shall constitute a transfer of capital by the direct investor to each scheduled area in proportion to and to the extent of the amount of overseas proceeds of such overseas borrowing that have been transferred by the overseas finance subsidiary to other affiliated foreign nationals in such scheduled area pursuant to § 1000.1403(a)(2) and are held by such affiliated foreign nationals at the time of assumption.

(3) The amount of such assumption that exceeds the aggregate amount of transfers of capital pursuant to subparagraphs (1) and (2) of this paragraph shall constitute foreign borrowing substituted for proceeds borrowing pursuant to § 1000.1406(a) to the extent that overseas proceeds of such overseas borrowing have been transferred by the overseas finance subsidiary to the direct investor in a proceeds borrowing, as defined in § 1000.1401(e), that is outstanding at the time of assumption.

(4) The amount of such assumption that exceeds the aggregate amount of transfers of capital pursuant to subparagraphs (1) and (2) and substituted foreign borrowing pursuant to subparagraph (3) of this paragraph shall constitute foreign borrowing made by the direct investor on the date of the assumption.

(5) Overseas proceeds of such overseas borrowing shall be reduced by the amount of such assumption or the amount of such proceeds, whichever is less.

(b) To the extent that a direct investor, pursuant to an election under section 4912(c) of the Internal Revenue Code of 1954, as amended, assumes the obligation to repay borrowing incurred by an overseas finance subsidiary that would qualify as overseas borrowing if it were continuously outstanding for at least 12 months but at the time of such assumption has not so qualified, such assumption is foreign borrowing as defined in § 1000.324(a)(1) and also shall have the effect prescribed by subparagraphs (1) through (4) of this paragraph:

(1) To the extent that proceeds of such borrowing by the overseas finance subsidiary are held by the overseas finance subsidiary at the time of assumption, such assumption shall constitute a transfer of capital by the direct investor to the overseas finance subsidiary.

(2) The amount of such assumption that exceeds the amount of the transfer of capital pursuant to subparagraph (1) of this paragraph shall constitute a transfer of capital by the direct investor to each scheduled area in proportion to

and to the extent of the amount of proceeds of such borrowing by the overseas finance subsidiary that have been transferred by the overseas finance subsidiary to other affiliated foreign nationals in such scheduled area pursuant to § 1000.1403(a)(2) and are held by such affiliated foreign nationals at the time of assumption.

(3) The amount of such assumption that exceeds the aggregate amount of transfers of capital pursuant to subparagraphs (1) and (2) of this paragraph shall constitute foreign borrowing substituted for borrowing by a direct investor from its overseas finance subsidiary pursuant to § 1000.1406(a) to the extent that proceeds of such borrowing by the overseas finance subsidiary have been transferred by the overseas finance subsidiary to the direct investor in a borrowing that is outstanding at the time of assumption and would qualify as proceeds borrowing under § 1000.1401(e) if such borrowing and the underlying borrowing by the overseas finance subsidiary were continuously outstanding for at least 12 months.

(4) The amount of such assumption that exceeds the aggregate amount of transfers of capital pursuant to subparagraphs (1) and (2) and substituted foreign borrowing pursuant to subparagraph (3) of this paragraph shall constitute foreign borrowing made by the direct investor on the date of assumption.

(c) An assumption under paragraph (a) or (b) of this section shall be reported on the books and records maintained by the direct investor under §§ 1000.203(b), 1000.601 and 1000.1402(b).

(Sec. 5, Act of Oct. 6, 1917, 40 Stat. 415, as amended, 12 U.S.C. 95a; E.O. 11387, Jan. 1, 1968, 33 F.R. 47)

The amendments hereby adopted shall be effective as of July 1, 1972.

WILLIAM V. HOYT,
Director, Office of Foreign Direct Investments.

JUNE 26, 1972.

[FR Doc.72-9897 Filed 6-30-72;8:45 am]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 9—SERVICEMEN'S GROUP LIFE INSURANCE

Improper Practice

On page 10086 of the FEDERAL REGISTER of May 19, 1972, there was published a notice of proposed rule making to issue a regulation concerning improper practice under Servicemen's Group Life Insurance. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

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

Effective date. This VA regulation is effective the date of approval.

Approved: June 26, 1972.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

Amend § 9.28 by adding subdivision (vi) to paragraph (d)(3) to read as follows:

§ 9.28 Criteria for reinsurers and converters.

* * * * *

(d) * * *

(3) * * *

(vi) The use of written or oral references to Servicemen's Group Life Insurance or conversions of Servicemen's Group Life Insurance in connection with the attempted sale of an insurance policy which would not be, in fact, a conversion policy or a policy issued in lieu of a conversion, if those references might lead a person addressed to believe there is a connection between the policy being sold and coverage under Servicemen's Group Life Insurance or a conversion of it.

* * * * *

[FR Doc.72-10053 Filed 6-30-72;8:48 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

Methomyl

A petition (PP 1F1021) was filed by E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for residues of the insecticide methomyl (S-methyl N - [(methylcarbamoyl)oxy] thioacetimidate) in or on the raw agricultural commodities vines (forage) of beans, peas, and soybeans at 10 parts per million; lettuce, endive (escarole), Chinese cabbage, and salsify tops at 5 parts per million; and beans, peas, and soybeans (each in succulent and dry form) at 2 parts per million.

Subsequently, the petitioner amended the petition by (a) reducing the proposed tolerance on soybeans from 2 parts per million to 0.2 part per million; (b) withdrawing the commodities Chinese cabbage, peas (with pods), pea vines, and salsify tops; and (c) changing the commodities beans and soybeans (each in succulent and dry form) to beans (succulent) and soybeans.

The Fish and Wildlife Service of the Department of the Interior stated that it has no objections to the tolerances.

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

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

2. The proposed usages are not reasonably expected to result in residues of the insecticide in eggs, meat, milk, or poultry. The usages are classified in the category specified in § 180.6(a)(3).

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

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (36 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.253 is amended by revising the paragraphs "10 parts per million * * *", "5 parts per million * * *", and "0.2 part per million * * *" and by inserting the new paragraph "2 parts per million * * *" after the paragraph "5 parts per million * * *" as follows:

§ 180.253 Methomyl; tolerances for residues.

* * * * *

10 parts per million in or on alfalfa, bean forage, corn fodder and forage, and soybean forage.

5 parts per million in or on cabbage, endive (escarole), and lettuce.

2 parts per million in or on beans (succulent).

0.2 part per million (negligible residue) in or on the commodity groups fruiting vegetables, leafy vegetables (except cabbage, endive (escarole), and lettuce), root crop vegetables, and soybeans.

* * * * *

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 (7-1-72).

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

Dated: June 26, 1972.

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

[FR Doc.72-10079 Filed 6-30-72;8:48 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

[Federal Procurement Regs.; Temporary Reg. 27]

MISCELLANEOUS AMENDMENTS TO CHAPTER

To: Heads of Federal agencies.

Subject: Revision of regulations pursuant to Public Law 91-379, as implemented by the Cost Accounting Standards Board.

1. *Purpose.* This regulation prescribes interim policies and procedures to implement the Cost Accounting Standards Board (CASB) rules and regulations with respect to negotiated national defense contracts in excess of $100,000 in accordance with the requirements of Public Law 91-379. In the interest of maintaining uniform Government-wide procurement policies and procedures, it also adopts such rules and regulations for negotiated nondefense contracts in excess of $100,000.

2. *Effective date.* This regulation is effective upon publication in the FEDERAL REGISTER (7-1-72) except as otherwise provided by paragraph 5.

3. *Expiration date.* This regulation will continue in effect until canceled.

4. *Background.* The initial promulgation of the Cost Accounting Standards Board (4 CFR Part 331 et seq.) authorized by Public Law 91-379, 50 U.S.C. App. 2168, appeared in the FEDERAL REGISTER of February 29, 1972 (37 F.R. 4139). The regulation prescribes Cost Accounting Standards, rules, and regulations applicable to the negotiation of national defense contracts and requires the disclosure of cost accounting practices to be used in such contracts. In the interest of maintaining uniform Government-wide procurement policies and procedures, this regulation adopts such Cost Accounting Standards for both the negotiated defense and nondefense contracts of the civilian executive agencies. It also parallels DOD Defense Procurement Circular 99, May 4, 1972.

5. *Agency implementation.* a. Pending the issuance of a permanent amendment to the Federal Procurement Regulations (FPR), in carrying out procurement operations agencies, with respect to negotiated defense and nondefense contracts, shall follow the policies and procedures set forth in the FPR (41 CFR 1-1.000 et seq.), except as they may be inconsistent with the promulgations of the Cost Accounting Standards Board (such as 4 CFR Part 331 et seq.). This includes, without limitation, the application of the contract cost principles and procedures in FPR 1-15 (41 CFR Part 1-15) for contracts with both commercial (profitmaking) and nonprofit institutions or organizations. This regulation does not apply to contracts with educational institutions subject to FPR 1-15.3 (41 CFR 1-15.3). Any provision of the FPR which is inconsistent with promulgations of the Cost Accounting Standards Board is superseded by the Board's rules to the extent of the inconsistency.

b. All solicitations (1) issued on or after July 1, 1972, which are likely to result in negotiated defense contracts exceeding $100,000, and (2) issued on or after October 1, 1972, which are likely to result in nondefense contracts exceeding $100,000, shall include the solicitation notice set forth in Attachment A and the contract clause set forth in Attachment B, except when the price is based on established catalog or market prices of commercial items sold in substantial quantities to the general public or prices set by law or regulation. However, agencies may make the procedures for the use of the solicitation notice and contract clause applicable to nondefense contracts on or after July 1, 1972, if they wish to do so.

c. The contract clause set forth in Attachment B below shall also be inserted in all the negotiated defense contracts described in subparagraph b, above, that are awarded on or after October 1, 1972, regardless of the solicitation date. Although the solicitation notice and contract clause are not required in solicitations issued prior to July 1, 1972, it is recommended that they be included when it is contemplated that the contract will be awarded on or after October 1, 1972. If, in this situation, award is made prior to October 1, the clause shall not be included in the contract.

d. The regulations of the Cost Accounting Standards Board provide that the requirements for filing a disclosure statement applies only to a company which, together with its subsidiaries, received net awards of negotiated national defense prime contracts totaling more than $30 million during the period July 1, 1970, through June 30, 1971. After October 1, 1972, a company shall file a disclosure statement where negotiated national defense prime contracts which it has been awarded total more than $30 million. Contractors or subcontractors who did not receive net negotiated national defense prime contract awards in that amount during the specified period are not required to file a disclosure statement at this time. Such contractors and subcontractors shall submit the certificate of monetary exemption set forth in Attachment A below.

6. *Comments by agencies.* Agencies are invited to comment on this regulation during the 60 days following publication in the FEDERAL REGISTER. Such comments will be considered in connection with the codification of the regulation in the FPR. In this connection, agencies are specifically requested to indicate whether they endorse extension of the CASB rules to nondefense contracts, and, if they do endorse the extension, whether they favor the application of the procedures in § 1-3.1207(c) to nondefense contracts.

7. *Explanation of changes.*

PART 1-1—GENERAL

Subpart 1-1.4—Procurement Responsibility and Authority

a. Section 1-1.406 is added, as follows:

§ 1-1.406 Cost Accounting Standards.

The contracting officer or his authorized representative shall:

(a) Determine the adequacy of prime contractor's disclosure statements (see § 1-3.1203(a));

(b) Determine whether prime contractor's disclosure statements are in compliance with Part 1-15 and Cost Accounting Standards;

(c) Determine contractor compliance with Cost Accounting Standards and disclosure statements, if applicable; and

(d) Negotiate price adjustments and execute supplemental agreements pursuant to the Cost Accounting Standards clause set forth in Attachment B.

b. Section 1-3.809 is amended to add paragraph (c)(4) which reads as follows:

§ 1-3.809 Contract audit as a pricing aid.

* * * * *

(c) * * *

(4) In accordance with Subpart 1-3.12, Cost Accounting Standards, and Part 1-15, Contract Cost Principles and Procedures, the cognizant contract auditor shall be responsible for making recommendations to the contracting officer as to whether:

(i) A contractor's disclosure statement (see § 1-3.1203(a)), submitted as a condition of contracting, adequately describes the actual or proposed cost accounting practices as required by Public Law 91-379, 50 U.S.C. App. 2168, as implemented by the Cost Accounting Standards Board;

(ii) A contractor's disclosed cost accounting practices are in compliance with Part 1-15 and applicable Cost Accounting Standards;

(iii) A contractor's or subcontractor's failure to comply with applicable Cost Accounting Standards or to follow consistently his disclosed cost accounting practices has resulted or may result in any increased cost paid by the Government; and

(iv) A contractor's or subcontractor's proposed price changes, submitted as a result of changes made to previously disclosed or established cost accounting practices, are fair and reasonable.

PART 1-3—PROCUREMENT BY NEGOTIATION

Subpart 1-3.12—Cost Accounting Standards

c. Subpart 1-3.12 is added, as follows:

§ 1-3.1201 General.

Public Law 91-379, 50 U.S.C. App. 2168, as implemented by the Cost Accounting

Standards Board (see 4 CFR Part 331 et seq.) requires the development of cost accounting standards to be used in connection with negotiated national defense contracts and disclosure of cost accounting practices to be used in such contracts. Such cost accounting standards and disclosure of cost accounting practices shall also be used in connection with negotiated nondefense contracts.

§ 1–3.1202 Definitions.

When used in this subpart, the words and terms defined in 4 CFR Part 331 et seq. shall have the meanings set forth therein. In addition, the words and terms defined in this paragraph shall have the meanings set forth below:

(a) "Net awards" means the obligated value of negotiated national defense prime contracts, awarded in the reporting period, minus cancellations, terminations, and other credit transactions relating thereto.

(b) "Company" includes all divisions, subsidiaries, and affiliates of the contractor under common control.

§ 1–3.1203 Prime contractor disclosure statement.

(a) *Solicitation notice.* The notice entitled Disclosure Statement—Cost Accounting Practices and Certification set forth in Attachment A shall be inserted in all solicitations which are likely to result in a negotiated contract exceeding $100,000, except when the price is (1) based on established catalog or market prices of commercial items sold in substantial quantities to the general public, or (2) set by law or regulation.

(b) *Preaward submission of disclosure statements.* Each offeror submitting an offer which could result in a negotiated contract exceeding $100,000, except when the price is based on established catalog or market prices of commercial items sold in substantial quantities to the general public or prices set by law or regulation, shall furnish copies of his disclosure statements to the offices listed in § 1–3.1203(c) concurrently with the submission of his proposal to the contracting officer. However, the offeror need not furnish the disclosure statement when he has executed the certificate of monetary exemption or the certificate of previously submitted disclosure statement (see Attachment A). More than one disclosure statement may be required in connection with the award of a contract (see 4 CFR 351.4(a)). Award of a contract shall not be made until a determination has been made by the contracting officer or his authorized representative that a disclosure statement is adequate (see § 1–3.1205(a)) unless, in order to protect the interests of the Government, the contracting officer waives this requirement. In this event, a determination shall be made as soon after award as possible.

(c) *Distribution of disclosure statements.* The offeror shall distribute his Disclosure Statements as follows:

(1) Original and one copy to the cognizant contracting officer;

(2) One copy to the cognizant contract auditor; and

(3) One copy to the Cost Accounting Standards Board, 441 G Street NW., Washington, DC 20548.

(d) *Postaward submission of disclosure statements.* Postaward submission of disclosure statements may be authorized only when the contracting officer has made a written determination that such authorization is essential (1) to the national defense, (2) because of the public exigency, or (3) to avoid undue hardship. Each determination shall set forth facts which clearly support the determination to authorize postaward submission, and a copy of the determination shall be included in the contract file. Authorization issued pursuant to this paragraph shall specify the period of time, not to exceed 90 days after contract award, within which disclosure must be made.

(e) *Determination by agency head that it is impracticable to secure disclosure statements.* If the head of the agency (see § 1–1.204) determines that it is impracticable to secure the disclosure statements in accordance with the clause set forth in Attachment B and this subpart, he may authorize award of such contract without obtaining such statements. This authority shall not be delegated. He shall, within 30 days thereafter, submit a report to the Cost Accounting Standards Board, setting forth all material facts.

(f) *Privileged and confidential information in disclosure statements.* If the offeror or contractor notifies the contracting officer that the disclosure statement contains trade secrets and commercial or financial information which is privileged and confidential, the disclosure statement will be protected and and will not be released outside the Government (see paragraph (a)(1) of the Cost Accounting Standards clause set forth in Attachment B).

(g) *Amendment of disclosure statements.* Amendments of a disclosure statement after contract award shall be processed in accordance with 4 CFR 351.12 and 1–3.1207.

§ 1–3.1204 Contract clause.

The Cost Accounting Standards clause set forth in Attachment B shall be inserted in all negotiated contracts exceeding $100,000 except when the price is based on established catalog or market prices of commercial items sold in substantial quantities to the general public or is set by law or regulation.

§ 1–3.1205 Review of prime contractor disclosure statements.

(a) *Contracting officer and auditor support responsibility.* When the Department of Defense (DOD) has contract administration cognizance of a contractor, required disclosure statements shall be reviewed by the cognizant administrative contracting officer and contract auditor for all Government agencies including, but not limited to, DOD, NASA, AEC, and GSA (see § 1–3.1208 with respect to contract administration by other Government agencies).

(b) *Determination of adequacy.* The cognizant contract auditor shall perform an initial review of a disclosure statement to ascertain whether it adequately describes the offeror's cost accounting practices. In order to be deemed adequate the disclosure statement must be current, accurate, and complete. Upon completion of this initial review the results shall be reported to the contracting officer. When he determines that adequate disclosure has not been made, he shall identify the areas of inadequacy and request a revised statement from the offeror, and so advise the auditor. When the contracting officer determines that the disclosure statement is adequate, he shall notify the offeror in writing with a copy to the auditor. In addition, the notice shall state that a disclosed practice shall not, by virtue of such disclosure, be deemed to be a proper, approved, or agreed to practice for pricing proposals or accumulating and reporting contract performance cost data. The contract may be awarded when it is determined that an adequate disclosure has been made (see § 1–3.1203(b)).

(c) *Determination of compliance.* Subsequent to the issuance of the above notification, a more detailed review of the disclosure statement shall be made by the auditor to ascertain whether the disclosed practices are in compliance with Part 1–15 or ASPR section XV, as applicable, and the Cost Accounting Standards. The auditor shall advise the contracting officer of his findings. When it is determined by the contracting officer that any disclosed practice is not in compliance, he shall notify the offeror or contractor, with a copy to the auditor. This notice shall require the offeror or contractor to advise the contracting officer and the auditor of the corrective action taken or to be taken to bring the practices into compliance. A revised disclosure statement may be required. In addition, adjustment of the prime contract price or cost allowance in accordance with § 1–3.1207(b) may be required. Noncompliances which cannot be resolved by the contracting officer should be referred to the Government department or agency having contract administration cognizance and, if necessary, coordinated with any other Government department or agency concerned. The contracting officer shall also advise higher authority of disclosed practices which are not in compliance and which would have any effect on the pricing of contracts under negotiation.

§ 1–3.1206 Subcontractor disclosure statements.

(a) Disclosure statements furnished by a subcontractor pursuant to the Cost Accounting Standards clause should, except as provided in (b) or (c) of this § 1–3.1206, be submitted to the prime contractor or higher tier subcontractor.

(b) A subcontractor may satisfy the requirement to submit disclosure statements by identifying to the prime contractor or higher tier subcontractor the contracting officer to whom his disclosure statement was previously submitted.

(c) When a subcontractor considers that his disclosure statement contains information that is privileged and confidential, he may, with the approval of the

prime contractor, submit it direct to the contracting officer and auditor having cognizance of the prime contractor's facility. The contracting officer for the prime contractor shall furnish copies to the contracting officer and auditor cognizant of the subcontractor for use in administration of the Cost Accounting Standards clause.

(d) Postaward submission of the subcontractor's disclosure statement (see § 1–3.1203(d)) must be approved by the contracting officer having cognizance of the prime contractor.

(e) A determination that it is impracticable to secure a subcontractor's disclosure statement must be made in accordance with § 1–3.1203(e).

§ 1–3.1207 Contract price adjustments.

(a) *Modifications to disclosure statements or established practices.* Paragraph (a)(4) of the Cost Accounting Standards clause (Attachment B) provides for adjustment of the contract price due to changes in the disclosure statement. The cognizant contracting officer is responsible for obtaining the contractor's proposal and for the conduct of all negotiations of such adjustments to all Government prime contracts. When a prime contractor is also a subcontractor, the contracting officer shall advise the contracting officer having cognizance of the applicable prime contract of the results of his negotiations.

(b) *Failure to comply with Cost Accounting Standards clause.* Paragraph (a)(5) of the Cost Accounting Standards clause (Attachment B) provides for an adjustment of the prime contract price or cost allowance, as appropriate, if the contractor or a subcontractor fails to comply with an applicable cost accounting standard or fails to follow any disclosed accounting practice and such failure results in any increased cost paid by the Government. The cognizant contract auditor shall be responsible for the conduct of audits as necessary to disclose such failures. The cognizant contracting officer shall negotiate all resultant prime contract adjustments, including applicable interest.

(c) *Conduct of negotiations of defense and nondefense contracts and execution of supplemental agreements.* Negotiations pursuant to (a) and (b) of this § 1–3.1207 shall be conducted on behalf of all Government agencies including, but not limited to, DOD, NASA, AEC, and GSA. The cognizant contracting officer shall invite representatives of the Government agencies involved to participate in negotiations of adjustments when the price of any of their contracts will be increased or decreased by $10,000 or more. At the conclusion of negotiations the following actions shall be taken by the administrative contracting officer:

(1) Execute supplemental agreements to DOD contracts. If additional funds are required, request them from the appropriate procurement contracting officer; and

(2) Advise contracting officers of other Government agencies of the results of his negotiations. Such agencies shall execute necessary supplemental agreements in the amounts negotiated.

§ 1–3.1208 Contract administration by other Government agencies.

In some instances the contracting officer cognizant of a contractor will be the representative of a Government agency other than DOD. A list of such assignments will be published from time to time in DOD Defense Procurement Circulars and in FPR Bulletins. In such cases, contracting officers of other Government agencies shall perform for DOD all functions in §§ 1–3.1205, 1–3.1206, and 1–3.1207 which DOD contracting officers perform for other Government agencies.

PART 1–15—CONTRACT COST PRINCIPLES AND PROCEDURES

d. Section 1–15.109 is added, as follows:

§ 1–15.109 Definitions.

As used in this Part 1–15 (except for Subpart 1–15.3), the words and phrases defined in this parargaph shall have the meanings set forth below:

(a) "Profit center," the smallest organizationally independent segment of a company which has been charged by management with profit and loss responsibilities.

(b) "Accumulating costs," the collecting of cost data in an organized manner, such as through a system of accounts.

(c) "Actual costs," amounts determined on the basis of costs incurred, as distinguished from forecasted costs. Includes standard costs properly adjusted for applicable variance.

(d) "Allocate," to assign an item of cost, or a group of items of cost, to one or more cost objectives. This term includes both direct assignment of cost and the reassignment of a share from an indirect cost pool.

(e) "Cost objective," a function, organizational subdivision, contract, or other work unit for which cost data are desired and for which provision is made to accumulate and measure the cost of processes, products, jobs, capitalized projects, etc.

(f) "Direct cost," any cost which is identified specifically with a particular final cost objective. Direct costs are not limited to items which are incorporated in the end product as material or labor. Costs identified specifically with a contract are direct costs of that contract. All costs identified specifically with other final cost objectives of the contractor are direct costs of those cost objectives.

(g) "Estimating costs," the process of forecasting a future result in terms of cost, based upon information available at the time.

(h) "Final cost objective," a cost objective which has allocated to it both direct and indirect costs, and in the contractor's accmulation system, is one of the final accumulation points.

(i) "Indirect cost," any cost not directly identified with a single final cost objective, but identified with two or more final cost objectives or with at least one intermediate cost objective.

(j) "Indirect cost pools," groupings of incurred costs identified with two or more cost objectives but not identified specifically with any final cost objective.

(k) "Pricing," the process of establishing the amount or amounts to be paid in return for goods or services.

(l) "Proposal," any offer or other submission used as a basis for pricing a contract, contract modification, or termination settlement, or for securing payments thereunder.

(m) "Reporting costs," provision of cost information to others. The reporting of costs involves selecting relevant cost data and presenting it in an intelligible manner for use by the recipient.

e. Section 1–15.201–2 is revised, as follows:

§ 1–15.201–2 Factors affecting allowability of costs.

Factors to be considered in determining the allowability of individual items of cost include (a) reasonableness, (b) allocability, (c) standards promulgated by the Cost Accounting Standards Board, if applicable, otherwise, generally accepted accounting principles and practices appropriate to the particular circumstances, and (d) any limitations or exclusions set forth in this Subpart 1–15.2 or otherwise included in the contract as to types or amounts of cost items. When a contractor has disclosed his accounting practices in accordance with Cost Accounting Standards Board rules, regulations, and standards and any such practices are inconsistent with any of the provisions of this Subpart 1–15.2, costs resulting from such inconsistent practices shall not be allowed in excess of the amount that would have resulted from the use of practices consistent with this Subpart 1–15.2.

f. Section 1–15.201–4 is revised, as follows:

§ 1–15.201–4 Definition of allocability.

A cost is allocable if it is assignable or chargeable to one or more cost objectives (see § 1–15.109(e)) in accordance with the relative benefits received or other equitable relationship. Subject to the foregoing, a cost is allocable to a Government contract if it:

(a) Is incurred specifically for the contract;

(b) Benefits both the contract and other work, or both Government work and other work, and can be distributed to them in reasonable proportion to the benefits received; or

(c) Is necessary to the overall operation of the business, although a direct relationship to any particular cost objective cannot be shown.

g. Section 1–15.202 is revised, as follows:

§ 1–15.202 Direct costs.

(a) A direct cost is any cost which is identified specifically with a particular final cost objective (see § 1–15.109(f)). No final cost objective shall have allocated to it as a direct cost any cost if other costs, incurred for the same purpose in like circumstances, have been included

in any indirect cost pool to be allocated to that or any other final cost objective. Costs identified specifically with the contract are direct costs of the contract and are to be charged directly thereto. Costs identified specifically with other final cost objectives of the contractor are direct costs of those cost objectives and are not to be charged to the contract directly or indirectly.

(b) Any direct cost of minor dollar amount may be treated as an indirect cost for reasons of practicality where the accounting treatment for such cost is consistently applied to all final cost objectives, provided that such treatment produces results which are substantially the same as the results which would have been obtained if such costs had been treated as a direct cost.

h. Section 1–15.203 (a) and (d) is amended, as follows:

§ 1–15.203 Indirect costs.

(a) An indirect cost (see § 1–15.109(i)) is one which, because of its incurrence for common or joint objectives, is not readily subject to treatment as a direct cost. Any direct cost of minor dollar amount may be treated as an indirect cost for reasons of practicality under the circumstances set forth in § 1–15.202(b). After direct costs have been determined and charged directly to the contract or other work as appropriate, indirect costs are those remaining to be allocated to the several cost objectives. No final cost objective shall have allocated to it as an indirect cost any cost if other costs, incurred for the same purpose in like circumstances, have been included as a direct cost of that or any other final cost objective.

* * * * *

(d) The method of allocation of indirect costs must be based on the particular circumstances involved. The method shall be in accordance with standards promulgated by the Cost Accounting Standards Board, if applicable to the contract. Otherwise, the method shall be in accordance with generally accepted accounting principles. When Cost Accounting Standards Board standards are not applicable to the contract, the contractor's established practices, if in accordance with generally acceptable accounting principles, shall generally be acceptable. However, the method used by the contractor may require examination when:

* * * * *

ROD KREGER,
Acting Administrator of General Services.

JUNE 29, 1972.

ATTACHMENT A

DISCLOSURE STATEMENT—COST ACCOUNTING PRACTICES AND CERTIFICATION

Any contract in excess of $100,000 resulting from this solicitation, except when the price negotiated is based on: (a) Established catalog or market prices of commercial items sold in substantial quantities to the general public, or (b) prices set by law or regulation, shall be subject to the requirements of the Cost Accounting Standards Board. Any offeror submitting a proposal which, if accepted, will result in a contract subject to the requirements of the Cost Accounting Standards Board must, as a condition of contracting, submit a Disclosure Statement as required by regulations of the Board. The Disclosure Statement must be submitted as a part of the offeror's proposal under this solicitation (see 1, below) unless (i) the offeror, together with all divisions, subsidiaries, and affiliates under common control, did not receive net awards of negotiated defense prime contracts during the period July 1, 1970, through June 30, 1971, totaling more than $30 million (see 2, below), (ii) the offeror has already submitted a Disclosure Statement disclosing the practices used in connection with the pricing of this proposal (see 3, below), or (iii) postaward submission has been authorized by the Contracting Officer.

CAUTION: A practice disclosed in a Disclosure Statement shall not, by virtue of such disclosure, be deemed to be a proper, approved, or agreed to practice for pricing proposals or accumulating and reporting contract performance cost data.

Check the appropriate box below:

☐ 1. Certificate of Concurrent Submission of Disclosure Statements

The offeror hereby certifies that he has submitted, as a part of his proposal under this solicitation, copies of the Disclosure Statements as follows: (i) Original and one copy to the cognizant Contracting Officer; (ii) one copy to the cognizant contract auditor; and (iii) one copy to the Cost Accounting Standards Board, 441 G Street NW., Washington, DC 20548.

(Date of Disclosure Statement.)

(Name and address of cognizant Contracting Officers where filed.)

The offeror further certifies that practices used in estimating costs in pricing this proposal are consistent with the cost accounting practices disclosed in the Disclosure Statements.

☐ 2. Certificate of Monetary Exemption

The offeror hereby certifies that, together with all divisions, subsidiaries, and affiliates under common control, he did not receive net awards of negotiated national defense prime contracts during July 1, 1970, through June 30, 1971, totaling more than $30 million.

☐ 3. Certificate of Previously Submitted Disclosure Statements

The offeror hereby certifies that the Disclosure Statements were filed, as follows:

(Date of Disclosure Statement.)

(Name and address of cognizant Contracting Officers where filed.)

The offeror further certifies that practices used in estimating costs in pricing this proposal are consistent with the cost accounting practices disclosed in this Disclosure Statement.

ATTACHMENT B

COST ACCOUNTING STANDARDS

(a) Unless the Cost Accounting Standards Board has prescribed rules or regulations exempting the Contractor or this contract from standards, rules, and regulations promulgated pursuant to 50 U.S.C. App. 2168 (Public Law 91–379, August 15, 1970), the Contractor, in connection with this contract shall:

(1) By submission of a Disclosure Statement, disclose in writing his cost accounting practices as required by regulations of the Cost Accounting Standards Board. The required disclosures must be made prior to contract award unless the Contracting Officer provides a written notice to the Contractor authorizing postaward submission in accordance with regulations of the Cost Accounting Standards Board. The practices disclosed for this contract shall be the same as the practices currently disclosed and applied on all other contracts and subcontracts being performed by the Contractor and which contain this Cost Accounting Standards clause. If the Contractor has marked the Disclosure Statement to indicate that it contains trade secrets and commercial or financial information which is privileged and confidential, the Disclosure Statement will be protected and will not be released outside of the Government.

(2) Follow consistently the cost accounting practices disclosed pursuant to (1), above, in accumulating and reporting contract performance cost data concerning this contract. If any change in disclosed practices is made for the purposes of any contract or subcontract subject to Cost Accounting Standards Board requirements, the change must be applied prospectively to this contract, and the Disclosure Statement must be amended accordingly. If the contract price or cost allowance of this contract is affected by such changes, adjustment shall be made in accordance with subparagraph (a)(4) or (a)(5), below as appropriate.

(3) Comply with all Cost Accounting standards in effect on the date of award of this contract or if the Contractor has submitted cost or pricing data, on the date of final agreement on price as shown on the Contractor's signed certificate of current cost or pricing data. The Contractor shall also comply with any Cost Accounting Standard which hereafter becomes applicable to a contract or subcontract of the Contractor. Such compliance shall be required prospectively from the date of applicability to such contract or subcontract.

(4) (A) Agree to an equitable adjustment as provided in the Changes clause of this contract if the contract cost is affected by a Disclosure Statement change which the Contractor is required to make pursuant to (3), above. If the Contractor has not been required to file a Disclosure Statement but is required pursuant to (a)(3), above, to change an established practice, then an equitable adjustment shall similarly be agreed to.

(B) Negotiate with the Contracting Officer to determine the terms and conditions under which any Disclosure Statement change other than changes under (4)(A), above, may be made. A change to a Disclosure Statement may be proposed by either the Government or the Contractor: *Provided, however,* That no agreement may be made under this provision that will increase costs paid by the United States under this contract.

(5) Agree to an adjustment of the contract price or cost allowance, as appropriate, if he or a subcontractor fails to comply with an applicable Cost Accounting Standard or to follow any practice disclosed pursuant to subparagraphs (a)(1) and (a)(2), above, and such failure results in any increased costs paid by the United States. Such adjustment shall provide for recovery of the increased costs to the United States together with interest thereon computed at the rate determined by the Secretary of the Treasury pursuant to Public Law 92–41, 85 Stat. 97, or 7 percent per annum, whichever is less, from the time the payment by the United States was made to the time the adjustment is effected.

(b) If the parties fail to agree whether the Contractor or subcontractor has complied with an applicable Cost Accounting Standard, rule, or regulation of the Cost Accounting Standards Board and as to any cost adjustment demanded by the United States, such failure to agree shall be a dispute concerning a question of fact within the meaning of the Disputes clause of this contract.

(c) The Contractor shall permit any authorized representatives of the head of the agency, the Cost Accounting Standards Board, or the Comptroller General of the United States to examine and make copies of any documents, papers, or records relating to compliance with the requirements of this clause.

(d) The Contractor shall include in all negotiated subcontracts which he enters into the substance of this clause except paragraph (b), and shall require such inclusion in all other subcontracts of any tier, except that this requirement shall apply only to negotiated subcontracts in excess of $100,000 where the price negotiated is not based on:

(i) Established catalog or market prices of commercial items sold in substantial quantities to the general public; or

(ii) Prices set by law or regulation.

NOTE: 1. Subcontractors shall be required to submit their Disclosure Statements to the Contractor. However, if a subcontractor has previously submitted his Disclosure Statement to a Government Contracting Officer he may satisfy that requirement by certifying to the Contractor the date of such Statement and the address of the Contracting Officer.

2. In any case where a subcontractor determines that the Disclosure Statement information is privileged and confidential and declines to provide it to his Contractor or higher tier subcontractor, the Contractor may authorize direct submission of that subcontractor's Disclosure Statement to the same Government offices to which the Contractor was required to make submission of his Disclosure Statement. Such authorization shall in no way relieve the Contractor of liability as provided in paragraph (a)(5) of this clause. In view of the foregoing and since the contract may be subject to adjustment under this clause by reason of any failure to comply with rules, regulations, and Standards of the Cost Accounting Standards Board in connection with covered subcontracts, it is expected that the Contractor may wish to include a clause in each such subcontract requiring the subcontractor to appropriately indemnify the Contractor. However, the inclusion of such a clause and the terms thereof are matters for negotiation and agreement between the Contractor and the subcontractor, provided that they do not conflict with the duties of the Contractor under its contract with the Government. It is also expected that any subcontractor subject to such indemnification will generally require substantially similar indemnification to be submitted by his subcontractors.

(e) The terms defined in section 331.2 of Part 331 of Title 4, Code of Federal Regulations (4 CFR 331.2) shall have the same meanings herein. As there defined, "negotiated subcontract" means "any subcontract except a firm fixed-price subcontract made by a Contractor or subcontractor after receiving offers from at least two firms not associated with each other or such Contractor or subcontractor, providing (1) the solicitation to all competing firms is identical, (2) price is the only consideration in selecting the subcontractor from among the competing firms solicited, and (3) the lowest offer received in compliance with the solicitation from among those solicited is accepted."

[FR Doc.72-10157 Filed 6-30-72;8:53 am]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER G—TRANSPORTATION AND MOTOR VEHICLES

PART 101-39—INTERAGENCY MOTOR VEHICLE POOLS

Subpart 101-39.49—Forms and Reports

OPERATOR'S REPORT OF MOTOR VEHICLE ACCIDENT

This amendment illustrates the revised June 1971 edition of Standard Form 91, Operator's Report of Motor Vehicle Accident.

Section 101-39.4903 is revised to illustrate the June 1971 edition of Standard Form 91.

§ 101-39.4903 Standard Form 91, Operator's Report of Motor-Vehicle Accident.

NOTE: Standard Form 91, as illustrated in § 101-39.4903, is filed as part of the original document.

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

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER (7-1-72).

Dated: June 26, 1972.

G. C. GARDNER, Jr.,
Acting Administrator.

[FR Doc.72-10067 Filed 6-30-72;8:49 am]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5219]

[Oregon 8764, 9040]

OREGON

Revocation of Executive Orders Nos. 5600 and 7623; Partial Revocation of Reclamation Project Withdrawal

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and by virtue of the authority contained in section 3 of the Act of June 17, 1902, as amended and supplemented, 43 U.S.C. 416 (1970), it is ordered as follows:

1. The Executive Orders No. 5600 of April 5600 of April 16, 1931, and No. 7623 of May 29, 1937, withdrawing lands for an agricultural field station in aid of programs of the Department of Agriculture, are hereby revoked as to the following described lands:

[Oregon 8764]

WILLAMETTE MERIDIAN

T. 4 N., R. 28 E.,
Sec. 14, S½SE¼SW¼;
Sec. 22, SW¼, SE¼NW¼, S½NE¼;
Sec. 23, NW¼.

The land described contains 460 acres.

2. The Secretary's Order of August 16, 1905, withdrawing lands for the Umatilla Reclamation Project, is hereby revoked as to the following described lands:

[Oregon 9040]

WILLAMETTE MERIDIAN

T. 4 N., R. 28 E.,
Sec. 15, S½SE¼;
Sec. 22, N½N½.

The land described contains 240 acres.

The total of the areas described aggregates 700 acres in Umatilla County.

All of the lands described are patented. The title to the lands described in paragraph 1 was transferred to the State of Oregon pursuant to the Act of September 23, 1950, 64 Stat. 981, a portion of which it is contemplated will be reconveyed to the United States by the State.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Portland, Oreg. 97208.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JUNE 27, 1972.

[FR Doc.72-10046 Filed 6-30-72;8:46 am]

[Public Land Order 5220]

[Sacramento 5095]

CALIFORNIA

Partial Revocation of Reclamation Project Withdrawal

By virtue of the authority contained in section 3 of the Act of June 17, 1902, as amended and supplemented, 43 U.S.C. 416 (1970), it is ordered as follows:

1. The departmental order of November 4, 1913, withdrawing lands for the Iron Canyon Project, is hereby revoked so far as it affects the following described land:

MOUNT DIABLO MERIDIAN

T. 29 N., R. 3 W.,
Sec. 32, NW¼NE¼.

The area described aggregates 40 acres in Tehama County.

2. This revocation is made in furtherance of an exchange under section 8 of the Act of June 28, 1934, as amended, 43 U.S.C. 315g (1970), by which the offered lands will benefit a Federal land program. Accordingly, the land described in this order is hereby classified, pursuant to section 7 of said Act, 43 U.S.C. 315f (1970), as suitable for such exchange. The land, therefore, will not be subject to other use or disposition under the public land laws in the absence of a modification or revocation of such classification (43 CFR 2440.4).

HARRISON LOESCH,
Assistant Secretary of the Interior.

JUNE 27, 1972.

[FR Doc.72-10047 Filed 6-30-72;8:46 am]

[Public Land Order 5221]

[Idaho 2013]

IDAHO

Withdrawal for Ririe Dam and Reservoir Project

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, and reserved for use by the Corps of Engineers, Department of the Army, in connection with the operation and maintenance of the Ririe Dam and Reservoir Project:

BOISE MERIDIAN

T. 6 N., R. 39 E.,
Sec. 30, lots 15, 17, 18, 19.

The area described aggregates 43.93 acres in Madison County.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JUNE 27, 1972.

[FR Doc.72-10048 Filed 6-30-72;8:46 am]

[Public Land Order 5222]

[Arizona 5393]

ARIZONA

Partial Revocation of Reclamation Withdrawal

By virtue of the authority contained in section 3 of the Act of June 17, 1902, as amended and supplemented, 43 U.S.C. 416 (1970), it is ordered as follows:

1. Public Land Order No. 3835 of September 27, 1965, withdrawing lands for the proposed Buttes Dam and Reservoir, Middle Gila River Project, is hereby revoked so far as it affects the following described land:

GILA AND SALT RIVER MERIDIAN

T. 4 S., R. 14 E.,
Sec. 8, NE¼SW¼, S½SW¼.

The areas described aggregate 120 acres in Pinal County.

2. This revocation is made in furtherance of an exchange under section 8 of the Act of June 28, 1934, as amended, 43 U.S.C. 315g (1970), by which the offered lands will benefit a Federal land program. Accordingly, the land described in this order is hereby classified, pursuant to section 7 of said Act, 43 U.S.C. 315f (1970), as suitable for such exchange. The lands, therefore, will not be subject to other use or disposition under the public land laws in the absence of a modification or revocation of such classification (43 CFR 2440.4).

HARRISON LOESCH,
Assistant Secretary of the Interior.

JUNE 27, 1972.

[FR Doc.72-10049 Filed 6-30-72;8:46 am]

Title 49—TRANSPORTATION

Chapter V—National Highway Traffic Safety Administration

[Docket No. 71-1; Notice 3]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Glazing Materials

Correction

In F.R. Doc. 72-9283 appearing at page 12237 of the issue for Wednesday, June 21, 1972, the following corrections are made in § 571.205:

1. In paragraph S5.1.2 the line "S5.1.2.2 may be used in the locations of" should be inserted between the third and fourth lines.

2. In paragraph S5.1.2.3, line 4, the reference to "S5.2.1" should read "S5.1.2.1".

Title 50—WILDLIFE AND FISHERIES

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

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Ruby Lake National Wildlife Refuge, Nev.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (7-1-72).

§ 28.28 Special regulations; public access, use, and recreation for individual wildlife refuge areas.

NEVADA

RUBY LAKE NATIONAL WILDLIFE REFUGE

Boating is permitted in the South Sump with conventional hull boats and canoes, exclusive of amphibious, all-terrain, or any other type of craft capable of cross-country travel on or immediately over land, water, sand, marsh, swampland, or other natural terrain.

Boats with motors are restricted to the area posted for powerboating during the waterfowl nesting season. The powerboating area is posted and delineated on maps available at refuge headquarters.

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

JOHN D. FINDLAY,
Regional Director, Bureau of Sport Fisheries and Wildlife.

JUNE 20, 1972.

[FR Doc.72-10069 Filed 6-30-72;8:49 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter IX—Office of Interstate Land Sales Registration, Department of Housing and Urban Development

[Docket No. R-72-199]

PART 1700—INTRODUCTION

Subpart B—Delegations of Basic Authority and Functions

ACTING ADMINISTRATOR

The delegations of authorities and responsibilities to the Director of the Examination Division and the Director of the Administrative Proceedings Division are delegated, and the designation for Acting Administrator is amended to delete from the order of succession the Director of the Examination Division and the Director of the Administrative Proceedings Division, and to provide that the Assistant Deputy Administrator be designated after the Deputy Administrator as Acting Administrator.

This amendment relates to agency management, and therefore notice of proposed rule making and postponement of the effective date are unnecessary.

Accordingly, 24 CFR Part 1700, Subpart B—Delegations of Basic Authority and Functions, is amended as follows:

§ 1700.80 [Deleted]

§ 1700.85 [Deleted]

A. Delete §§ 1700.80 and 1700.85 and their headings from the table of contents.

B. Delete §§ 1700.80 and 1710.85.

C. Change § 1700.90 to read as follows:

§ 1700.90 Acting Administrator.

The Deputy Administrator and the Assistant Deputy Administrator in the order named, are designated by the Administrator to act in his place and stead in the event of his absence or inability to act, having the title of "Acting Administrator" with the powers, duties, and rights delegated by the Secretary's Delegation of Authority published in the FEDERAL REGISTER on March 9, 1972, 37 F.R. 5071.

Effective date. This amendment is effective on June 28, 1972.

GEORGE K. BERNSTEIN,
Interstate Land Sales Administrator.

[FR Doc.72-10163 Filed 6-30-72;8:54 am]

[Docket No. R-72-200]

PART 1911—INSURANCE COVERAGE AND RATES

Flood Insurance; Premium Rate Reductions and Minimum Commissions

Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015) directs the Secretary to prescribe by regulation the premium rates to be charged for flood insurance under the program, "consistent with the objective of making flood insurance available where necessary at reasonable rates so as to encourage prospective insureds to purchase such insurance" and with the purposes of the Act. During the current calendar year, particularly as a result of recent flood disaster, it has become evident that many persons have refrained from the purchase of Federal flood insurance because they believe the applicable premiums are uneconomic, despite the high susceptibility of their properties to loss or damage in the event of flooding.

An additional result of this low level consumer interest in the purchase of flood insurance has been that communities have been slow to adopt adequate local ordinances to regulate new construction in their flood-prone areas in order to reduce or avoid future losses, which ordinances are required in order to retain their eligibility for the sale of flood insurance. In some instances, local officials have actually considered withdrawing from the flood insurance program rather than attempting to meet the required land use standards.

On the basis of these cumulative indications that existing premium rates do not sufficiently encourage the purchase of flood insurance to fully carry out the objectives of the Act, the Federal Insurance Administrator has determined that a reduction in chargeable rates is required, and the new premium rates are promulgated in the following regulation. In addition, in an effort to encourage insurance agents and brokers to make a greater effort to make the availability of flood insurance known to their customers, the Administrator has determined that a minimum commission of $10 per policy will be paid.

Because of the immediate threat of the hurricane season and the corresponding need for more widespread flood insurance in Gulf and Atlantic coastal communities, and inasmuch as these changes confer only a public benefit and involve no detriment, it has been determined that notice and public procedure thereon are impractical, and that good cause exists to make them effective at an early date.

Authority: The following amendments to Subchapter B issued under the National Flood Insurance Act of 1968, 42 U.S.C. 4001–4127.

Subchapter B of Chapter X of Title 24 is amended as follows:

1. The table in paragraph (a) of § 1911.9 of Part 1911 is revised to read as follows:

§ 1911.9 Establishment of chargeable rates.

(a) * * *

RATES FOR NEW AND RENEWAL POLICIES

Type of structure	Value of structure	Rate per year per $100 coverage on structure	Rate per year per $100 coverage on contents
(1) Single family residential.	$17,500 and under	$0.25	$0.35
	17,501–35,000	.30	.40
	35,001 and over	.35	.45
(2) All other residential.	30,000 and under	.25	.35
	30,001–60,000	.30	.40
	60,001 and over	.35	.45
(3) All nonresidential (including hotels and motels with normal occupancy of less than 6 months in duration).	30,000 and under	.40	.75
	30,001–60,000	.50	.75
	60,001 and over	.60	.75

2. The table of sections under Subpart A of Part 1912 is amended by adding at the end thereof a new § 1912.4, to read as follows:

Sec.
1912.4 Minimum commissions.

3. Subpart A of Part 1912 is amended by adding a new § 1912.4, to read as follows:

§ 1912.4 Minimum commissions.

The annual commission which shall be paid to any licensed agent or broker with respect to each policy he duly procures for an eligible purchaser shall not be less than $10.

Effective date. These regulations shall be effective July 10, 1972.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72-10164 Filed 6-30-72;8:54 am]

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Eligible Communities

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table. This entry differs from prior entries to the table in that a complete chronology of effective dates appears for each listed community. Each date appearing in the

last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or under the regular flood insurance program. The entry reads as follows:

§ 1914.4 List of eligible communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Louisiana	Acadia	Crowley	I 22 001 0520 01 through I 22 001 0520 04	State Department of Public Works, Post Office Box 44155, Capitol Station, Baton Rouge, LA 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, LA 70804.	City Hall, Corner of Avenue F and Fifth St., Crowley, La. 70526.	Aug. 28, 1971. Emergency. June 30, 1972. Regular.
Missouri	St. Charles	St. Peters				June 30, 1972. Emergency.
New Jersey	Essex	Nutley				Do.
New York	Nassau	Long Beach	I 36 059 3360 02	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, NY 10038, and 324 State St., Albany, NY 12201.	City Hall, 1 West Chester St., Long Beach, NY 11561.	March 6, 1971. Emergency. June 30, 1972. Regular.
Do	Suffolk	Westhampton Beach.	I 36 103 6610 02	do	Village Office, Municipal Bldg., Sunset Ave., Westhampton Beach, N.Y. 11978.	Feb. 26, 1971. Emergency. June 30, 1972. Regular.
Pennsylvania	Delaware	Glenolden Borough.				June 30, 1972. Emergency.
Do	Berks	Kutztown Borough.				Do.
Do	Lycoming	Muncy Borough				Do.
Do	Allegheny	Reserve Township.				Do.

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

Issued: June 23, 1972.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72–9986 Filed 6–30–72;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

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

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Louisiana	Acadia	Crowley	H 22 001 0520 01 through H 22 001 0520 04	State Department of Public Works, Post Office Box 44155, Capitol Station, Baton Rouge, LA 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, LA 70804.	City Hall, Corner of Avenue F and Fifth St., Crowley, La. 70526.	Aug. 28, 1971.
Missouri	St. Charles	St. Peters				June 30, 1972.
New Jersey	Essex	Nutley				Do.
New York	Nassau	Long Beach	H 36 059 3360 02	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, NY 10038, and 324 State St., Albany, NY 12210.	City Hall, 1 West Chester St., Long Beach, NY 11561.	Mar. 6, 1971.
Do	Suffolk	Westhampton Beach.	H 36 103 6610 02	do	Village Office, Municipal Bldg., Sunset Ave., Westhampton Beach, N.Y. 11978.	Feb. 26, 1971.
Pennsylvania	Delaware	Glenolden Borough.				June 30, 1972.
Do	Berks	Kutztown Borough.				Do.
Do	Lycoming	Muncy Borough				Do.
Do	Allegheny	Reserve Township.				Do.

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

Issued: June 23, 1972.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72–9987 Filed 6–30–72;8:45 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 194, 201, 250, 251]

IMPORTATION OF DISTILLED SPIRITS, WINES, AND BEER

Issuance of and Accounting for Red Strip Stamps

Notice is hereby given that the regulations set forth in tentative form are proposed to be prescribed by the Commissioner of Internal Revenue and the Commissioner of Customs, with the approval of the Secretary of the Treasury or his delegate. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol, Tobacco and Firearms Division, Internal Revenue Service, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Director, Alcohol, Tobacco and Firearms Division, within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

EDWIN F. RAINS,
Acting Commissioner of Customs.

In order to (1) prescribe new procedures to be followed by importers for strip stamp accounting, records, and reports; (2) provide for the issuance of strip stamps by assistant regional commissioners, alcohol, tobacco and firearms; (3) recognize the change in name of the Alcohol, Tobacco and Firearms function and the change in the organizational structure of the Bureau of Customs; and (4) make miscellaneous conforming and editorial changes, the regulations in 26 CFR Parts 194, 201, 250 and 251 are amended as follows:

PARAGRAPH A. 26 CFR Part 194 is amended as follows:

Section 194.254 is amended by (1) deleting the word "obtain" from the next to the last sentence; and (2) making an editorial change. As amended, § 194.254 reads as follows:

§ 194.254 Replacement of strip stamps found by dealer to be mutilated or missing.

Containers requiring restamping, as described in § 194.253, shall be set aside by the dealer and application for necessary stamps submitted with Form 428, in duplicate, to the assistant regional commissioner. Copies of Form 428 may be obtained from the assistant regional commissioner. In every case the application shall state the cause of mutilation or absence of stamps and submit evidence that the spirits are eligible for stamping under section 5205(e), I.R.C. Such evidence may consist of invoices covering purchase of the spirits, in addition to other available documents. Such application shall be signed by the dealer or his authorized agent under the penalties of perjury immediately below a declaration, worded as follows:

I declare under the penalties of perjury that I have examined this application and to the best of my knowledge and belief it is true and correct.

If the assistant regional commissioner is satisfied from the evidence submitted that the mutilation or absence of the stamps has been satisfactorily explained, he will approve the requisition for stamps, Form 428, and deliver the stamps to the applicant by mail with instructions in regard to affixing them to the containers, or by a representative of his office. If an overprinted stamp is to be replaced by the dealer, the word "Restamped," the name of the dealer, and the date of restamping shall be imprinted, or written in ink, in lieu of overprinting the replacement stamp.

(72 Stat. 1358; 26 U.S.C. 5205)

PAR. B. 26 CFR Part 201 is amended as follows:

1. Section 201.11 is amended by changing the definition of "Director of Customs" to reflect recent changes in the organizational structure of the Bureau of Customs. As amended, § 201.11 reads as follows:

§ 201.11 Meaning of terms.

* * * * *

Director of Customs. The officer who has jurisdiction over all customs activities of a customs district, including district directors of customs at headquarters ports of the district (except the district of New York, N.Y.); the area directors of customs in the district of New York, N.Y.; the regional commissioner of customs, and, as applicable, port directors at ports not designated as headquarters ports.

* * * * *

2. Section 201.543 is amended to provide for: (1) Strip stamps to be obtained from assistant regional commissioners instead of from district directors; and (2) strip stamps being delivered by an alternate method to be shipped directly to the proprietor instead of being shipped to the assigned officer. As amended, § 201.543 reads as follows:

§ 201.543 Procurement of strip stamps.

(a) *General.* Strip stamps may be obtained, without charge, by the proprietor, in reasonable anticipation of current needs, from the assistant regional commissioner of the region in which the plant is located, by requisition on Form 428 approved by the assigned officer. Such stamps may not be procured by one proprietor from another or transferred to another plant operated by the same proprietor, except on authorization by the assistant regional commissioner. Requisition shall be for full sheets of such stamps. On receipt of the stamps the proprietor shall verify the quantity received and acknowledge receipt thereof, noting any discrepancies, on both copies of Form 428 returned by the assistant regional commissioner, forward one copy of the Form 428 to the assistant regional commissioner, and retain one copy in his files.

(b) *Alternative method.* When the assistant regional commissioner determines that the interests of the Government will be best served thereby, the stamps may be shipped directly to the proprietor from a location other than the office of the assistant regional commissioner. In such case, the assistant regional commissioner shall notify the proprietor that the strip stamps will be delivered by an alternative method and inform him of the minimum quantity, if any, of each size stamp which may be requisitioned on any particular Form 428. Upon approval of Form 428, two copies of the form shall be returned to the proprietor. Upon receipt of the stamps, the proprietor shall: (1) Indicate the serial numbers (if any) of the stamps received and acknowledge receipt thereof, noting any discrepancies, on both copies of Form 428, and (2) return one copy to the assistant regional commissioner, and retain one copy in his files.

(72 Stat. 1358; 26 U.S.C. 5205)

PAR. C. 26 CFR Part 250 is amended as follows:

1. Section 250.11 is amended by changing the definitions of "Assistant regional commissioner" and "Director of customs." As amended, § 250.11 reads as follows:

§ 250.11 Meaning of terms.

* * * * *

Assistant regional commissioner. An assistant regional commissioner (alcohol, tobacco and firearms) who is responsible to, and functions under the direction and supervision of, a regional commissioner of internal revenue.

* * * * *

Director of Customs. The officer who has jurisdiction over all customs activities of a customs district, including district directors of customs at headquarters ports of the district (except the district of New York, N.Y.); the area directors of customs in the district of New York, N.Y.; the regional commissioner of customs, and, as applicable, port directors at ports not designated as headquarters ports.

* * * * *

2. Section 250.41 is amended by adding a proviso at the end thereof. As amended, § 250.41 reads as follows:

§ 250.41 Destruction of marks and brands.

The marks, brands, and serial numbers required by this part to be placed on barrels, casks, or similar containers, or cases, shall not be removed, or obscured or obliterated, before the contents thereof have been removed; but when barrels, casks, or similar containers (except for beer and wine) are emptied, all such marks, brands, and serial numbers shall be effaced and obliterated by the person removing the contents: *Provided,* That, the marks, brands, and serial numbers on such containers emptied on the premises of a distilled spirits plant qualified under the provisions of Part 201 of this chapter need not be effaced or obliterated.

(72 Stat. 1358; 26 U.S.C. 5205)

3. Section 250.62 is amended by: (1) Making a clarifying change; and (2) deleting obsolete provisions relating to powers of attorney. As amended, § 250.62 reads as follows:

§ 250.62 Corporate surety.

Surety bonds may be given only with corporate sureties holding certificates of authority from, and subject to the limitations prescribed by, the Secretary of the Treasury of the United States, as set forth in the current revision of U.S. Treasury Department Circular 570.

(61 Stat. 648; 6 U.S.C. 6, 7)

4. Two new sections, §§ 250.62a and 250.62b, are added to prescribe requirements relating to filing of powers of attorney and execution of powers of attorney, respectively. As added, new §§ 250.62a and 250.62b read as follows:

§ 250.62a Filing of powers of attorney.

Each bond, and each consent to changes in the terms of a bond, shall be accompanied by a power of attorney authorizing the agent or officer who executed the bond or consent to so act on behalf of the surety. The Officer-in-Charge who is authorized to approve the bond may, when he deems it necessary, require additional evidence of the authority of the agent or officer to execute the bond or consent.

(61 Stat. 648; 6 U.S.C. 6, 7)

§ 250.62b Execution of powers of attorney.

The power of attorney shall be prepared on a form provided by the surety company and executed under the corporate seal of the company. If the power of attorney submitted is other than a manually signed original, it shall be accompanied by certification of its validity.

(61 Stat. 648; 6 U.S.C. 6, 7)

§ 250.75 [Amended]

5. Section 250.75 is amended by deleting the words "Alcohol and Tobacco Tax." immediately following the words "Assistant Regional Commissioner," and inserting instead the words "Alcohol, Tobacco and Firearms."

6. Section 250.138 is amended to: (1) Provide that the Director may authorize labels to be affixed so as to partially obscure strip stamps; and (2) make an editorial change. As amended, § 250.138 reads as follows:

§ 250.138 Affixing strip stamps.

Strip stamps shall be securely affixed to the containers with a strong adhesive, and shall be affixed in such a manner that on opening the container the stamp will be broken and a portion thereof, sufficient to identify the kind of stamp placed thereon, will remain attached to the container or to a cap or seal which is permanently affixed thereto. Strip stamps affixed to containers shall not be concealed or obscured in any manner except that: (a) The Director, Alcohol, Tobacco and Firearms Division, may authorize labels to be affixed so as to partially obscure strip stamps, if he finds that a need therefor exists, and if he finds that the manner of affixing such labels does not obscure essential information on the strip stamps which is not clearly shown on the bottle or on the labels affixed to the bottle, and (b) any such stamp may be covered by a cup, cap, seal, carton, wrapping, or other device which can be readily removed without injury to the stamp or which is sufficiently transparent to permit all data on the stamp to be read. If a cup, cap, or seal is placed over a stamp, a portion of the stamp must remain plainly visible. If containers are enclosed in sealed opaque cartons, such cartons and wrappings on such cartons must bear the words, "This package may be opened for examination by Internal Revenue Officers." Internal revenue and customs officers have the right to open such cartons or wrappings and examine the container. If there is doubt as to the propriety of the use of any cup, cap, or seal, the closure and container should be submitted to the Director, Alcohol, Tobacco and Firearms Division, for approval.

(72 Stat. 1358; 26 U.S.C. 5205)

7. Section 250.163 is amended to provide that persons responsible for release of liquors from customs custody who do not take physical possession of the liquors shall keep commercial records which reflect the release of the liquors. As amended, § 250.163 reads as follows:

§ 250.163 General requirements.

Except as provided in § 250.164, every person, other than a tourist, bringing liquor into the United States from Puerto Rico shall keep records and render reports of the physical receipt and disposition of such liquors in accordance with Part 194 ("Liquor Dealers") of this chapter: *Provided,* That if the person who is responsible for release of the liquors from customs custody does not take physical possession of the liquors, he shall keep commercial records reflecting such release; such records shall identify the kind and quantity of the liquors released, the name and address of the person receiving the liquors from customs custody, and shall be filed chronologically by release dates. Records and reports will not be required under this part with respect of liquors while in customs custody.

(72 Stat. 1342, 1395; 26 U.S.C. 5114, 5555)

8. Section 250.207 is amended by adding a proviso at the end thereof. As amended, § 250.207 reads as follows:

§ 250.207 Destruction of marks and brands.

The marks, brands, and serial numbers required by this part to be placed on barrels, casks, or similar containers, or cases, shall not be removed, or obscured or obliterated, before the contents thereof have been removed; but when barrels, casks, or similar containers (except for beer and wine) are emptied, all such marks, brands, and serial numbers shall be effaced and obliterated by the person removing the contents: *Provided,* That, the marks, brands and serial numbers on such containers emptied on the premises of a distilled spirits plant qualified under the provisions of Part 201 of this chapter need not be effaced or obliterated.

(72 Stat. 1358; 26 U.S.C. 5205)

9. Section 250.233 is amended to (1) provide that the Director may authorize labels to be affixed so as to partially obscure strip stamps; and (2) make an editorial change. As amended, § 250.233 reads as follows:

§ 250.233 Affixing strip stamps.

Strip stamps shall be securely affixed to the container with a strong adhesive, and shall be affixed in such manner that on opening the container the stamp will be broken and a portion thereof, sufficient to identify the kind of stamp placed thereon, will remain attached to the container or to a cap or seal which is permanently affixed thereto. Strip stamps affixed to containers shall not be concealed or obscured in any manner except that (a) the Director, Alcohol, Tobacco and Firearms Division, may authorize labels to be so affixed as to partially obscure strip stamps, if he finds that a need therefor exists, and if he finds that the manner of affixing such

labels does not obscure essential information on the strip stamp which is not clearly shown on the bottle or on the labels affixed to the bottle, and (b) any such stamp may be covered by a cup, cap, seal, carton, wrapping, or other device which can be readily removed without injury to the stamp or which is sufficiently transparent to permit all data on the stamp to be read. If a cup, cap, or seal is placed over a stamp, a portion of the stamp must remain plainly visible. If containers are enclosed in sealed opaque cartons, such cartons and wrappings on such cartons must bear the words, "This package may be opened for examination by Internal Revenue Officers." Internal revenue and customs officers have the right to open such cartons or wrappings and examine the container. If there is doubt as to the propriety of the use of any cup, cap, or seal, the closure and container should be submitted to the Director, Alcohol, Tobacco and Firearms Division, for approval.

(72 Stat. 1358; 26 U.S.C. 5205)

10. Sections 250.234, 250.235, 250.236, and 250.237 are amended in their entirety. As amended, §§ 250.234, 250.235, 250.236, and 250.237 read as follows:

§ 250.234 Power of attorney.

If an importer gives power of attorney to another person to sign Form 96 or Form 428, such power of attorney shall be executed on Form 1534 and, in the case of Forms 96, filed with the assistant regional commissioner of the region in which the importer's business is located or, in the case of Forms 428, the assistant regional commissioner with whom the requisition will be filed. When either of the above forms is signed by an agent, the name of the importer shall be given, followed by the signature of the agent and the words "Attorney in Fact".

§ 250.235 Breach of regulations, or failure to properly account for strip stamps.

The assistant regional commissioner shall refuse to approve any further requisitions, Form 428, when he has knowledge that the importer has failed to furnish a satisfactory accounting for strip stamps, as prescribed in this part, or has failed to comply with any of the provisions of this part. The assistant regional commissioner may require of the importer, at a specified time and place, an immediate accounting of all strip stamps outstanding in the name of the importer as a means of determining whether there has been unlawful diversion or use of strip stamps and may also require that all unused strip stamps be recalled and delivered so they may be counted. If the assistant regional commissioner has evidence that any of the provisions of this part have been willfully violated, he shall take appropriate action. He shall also refuse to approve any further requisitions when he has knowledge that the importer has failed to furnish a satisfactory accounting for strip stamps in any other region.

(72 Stat. 1358; 26 U.S.C. 5205)

§ 250.236 Conditions.

Red strip stamps, requisitioned by, and issued to, an importer or his agent as provided in this subpart, may be sent to a bottler or exporter in the Virgin Islands to be affixed to containers of distilled spirits.

(72 Stat. 1358; 26 U.S.C. 5205)

§ 250.237 Requisition, Form 428.

Requisition on Form 428 for red strip stamps shall be made by the importer, or by his agent pursuant to filing a Form 1534 as provided in § 250.234, or by the subsequent purchaser of the distilled spirits as provided in § 250.256. The name, address, and permit number of the importer (or subsequent purchaser) shall be shown, and if the requisition is prepared by an agent located at an address other than that of the importer, the address of the agent shall be shown. The requisition shall be serially numbered by the importer, and if one or more agents at locations other than that of the importer also place requisitions, each agent shall maintain a separate series of serial numbers prefixed by a letter designation assigned by the importer, e.g., A–1, A–2. The Form 428 shall be submitted to the assistant regional commissioner of the region in which the place of business of the importer, or of his agent, or of the subsequent purchaser, as the case may be, is located. A certified, photostatic or similar type of reproduced copy of the importer's permit issued pursuant to the Federal Alcohol Administration Act and regulations issued thereunder shall be furnished to the assistant regional commissioner of a region other than the region in which the importer's place of business is located either before or at the time the first requisition is presented for approval. All strip stamps issued on Form 428 shall, for each location at which an accounting of stamps is required by § 250.270, be accounted for on a first-in- first-out basis.

(72 Stat. 1358; 26 U.S.C. 5205)

§§ 250.238 and 250.239 [Revoked]

11. Sections 250.238 and 250.239 are revoked.

12. Section 250.240 and its heading are amended to provide that requisitions for strip stamps will be approved, and the stamps issued, by the assistant regional commissioner. As amended, § 250.240 reads as follows:

§ 250.240 Approval of requisition and issuance of stamps.

The assistant regional commissioner will approve Form 428 and issue the stamps if he—

(a) Is satisfied:

(1) That the importer is the holder of an importer's permit issued under the Federal Alcohol Administration Act and the regulations in 27 CFR Part 1 and

(2) That the quantity requisitioned is reasonable and necessary; and

(b) Has no information on which a denial of requisition should be made under the provisions of § 250.235.

When satisfied that Form 428 may be approved, the assistant regional commissioner shall enter the serial numbers of the stamps issued and the date of issue and approve all copies of the form. He shall then deliver the stamps to the applicant, and, if the stamps are mailed, or are delivered to anyone other than the applicant, two copies of the Form 428 shall accompany the stamps. Upon receipt of the stamps, the applicant shall acknowledge receipt on both copies of Form 428 and return one copy to the assistant regional commissioner who issued the stamps and, if an agent, one copy to the importer. In each instance when the assistant regional commissioner approves a requisition which has been submitted by an agent of an importer, the assistant regional commissioner shall immediately forward a copy of Form 428 to the importer, and, if the importer's place of business is located in another region, the assistant regional commissioner shall forward a copy to the assistant regional commissioner of the region in which the importer's place of business is located. If a requisition is disapproved for any reason, the assistant regional commissioner shall return a copy of Form 428 marked "disapproved" to the applicant.

(72 Stat. 1358; 26 U.S.C. 5205)

13. A new section, § 250.240a, is added to prescribe requirements relating to issuance of stamps by an alternative method. As added, new § 250.240a reads as follows:

§ 250.240a Alternative method for issuance of stamps.

(a) *Action by assistant regional commissioner.* When the assistant regional commissioner determines that the interest of the Government will be best served thereby, strip stamps may be shipped directly to the applicant, as shown on Form 428, from a location other than the office of the assistant regional commissioner. In such case, the assistant regional commissioner shall notify the applicant that strip stamps will be delivered by an alternative method and inform him of the minimum quantity, if any, of each size of stamp which may be requisitioned on any particular Form 428. Upon approval of Form 428, two copies of the form shall be returned to the applicant, and, if the Form 428 was prepared by an agent of an importer, a copy of the form shall be forwarded to the importer and, if applicable, to the assistant regional commissioner of the region in which the importer's place of business is located.

(b) *Action by applicant.* Upon receipt of the stamps, the applicant shall (1) indicate the serial numbers (if any) of the stamps received and acknowledge receipt of the stamps on both copies of Form 428, and (2) return one copy to the assistant regional commissioner to whom the Form 428 was submitted for approval and, if an agent, one copy to the importer.

(72 Stat. 1358; 26 U.S.C. 5205)

§ 250.241 [Revoked]

14. Section 250.241 is revoked.

15. Section 250.242 is amended by (1) deleting the requirement that the overprinting of stamps be verified by the director of customs; and (2) making an editorial change. As amended, § 250.242 reads as follows:

§ 250.242 Overprinting of red strip stamps.

The importer, or his agent, or the subsequent purchaser of the distilled spirits, as the case may be, shall have the red strip stamps indelibly and legibly overprinted, at his own expense, with the permit number of the importer in whose name the stamps were requisitioned: *Provided*, That if the importer is an agency of a State or a political subdivision thereof, or the District of Columbia, the stamps will be overprinted with the name of the State or with "District of Columbia," or with a recognized abbreviation thereof.

(72 Stat. 1358; 26 U.S.C. 5205)

§ 250.244 [Revoked]

16. Section 250.244 is revoked.

17. Sections 250.245 and 250.246, and their headings, are amended by changing the requirements relating to the taking of credit for red strip stamps used. As amended, §§ 250.245 and 250.246 read as follows:

§ 250.245 Credit for red strip stamps on distilled spirits deposited in a foreign-trade zone.

When red strip stamps are affixed in the Virgin Islands to containers of distilled spirits and, on arrival in the United States, the spirits are deposited in a foreign-trade zone, Form 1627 shall be prepared and distributed in accordance with the instructions on the form, and credit shall be taken for the stamps on the importer's daily record of strip stamps in the manner provided in § 250.246. In addition, and as a condition of obtaining approval from the director of customs for admission of the spirits to the zone, the importer or his agent and the zone grantee shall state on the zone application that if such spirits are subsequently exported from the zone the red strip stamps will be effectively destroyed or voided under customs supervision prior to exportation. The director of customs will not approve such exportation and will not execute a permit of delivery until the red strip stamps have been effectively destroyed or voided as provided in § 250.252a.

(48 Stat. 999, as amended, 72 Stat. 1358; 19 U.S.C. 81c, 26 U.S.C. 5205)

§ 250.246 Credit for red strip stamps on arrival of distilled spirits.

On arrival of a shipment of spirits, the importer who requisitioned the stamps, the importer filing the customs entry papers, or the agent of either shall prepare Part 1 of Form 1627. Form 1627 shall be furnished to customs officials with the entry papers for execution of Part 11 or 111 by the appropriate customs official. If Form 1627 is prepared by anyone other than the importer who requisitioned the stamps, a copy of the form shall be forwarded to such importer at the time the original and one copy are furnished to customs such importer at the time the original and one copy are furnished to customs officials. On receipt of Form 1627 properly executed as to Part 11 or 111, the importer who requisitioned the stamps, or in whose name the stamps were requisitioned, may take credit for the stamps on his daily record of strip stamps.

(72 Stat. 1358; 26 U.S.C. 5205)

§§ 250.247 and 250.248 [Revoked]

18. Sections 250.247 and 250.248 are revoked.

19. Section 250.249 is amended to provide for discrepancies in shipments to be recorded on Form 1627 by the customs officer. As amended, § 250.249 reads as follows:

§ 250.249 Irregularities or discrepancies in shipments.

In case any irregularities or discrepancies are found, the director of customs at the port of entry will make demand for redelivery of unexamined packages, and will not release examined or redelivered packages until satisfactory explanation and/or proper corrections have been made. The customs officer will enter any discrepancies as to red strip stamps on Form 1627.

(72 Stat. 1358; 26 U.S.C. 5205)

§§ 250.250 and 250.251 [Revoked]

20. Sections 250.250 and 250.251 are revoked.

21. Section 250.252 and its heading are amended to apply only to the destruction of strip stamps in the Virgin Islands and to change the requirements relative thereto. As amended, § 250.252 reads as follows:

§ 250.252 Destruction of red strip stamps in the Virgin Islands.

When for any reason a Virgin Islands bottler or exporter has on hand a quantity of red strip stamps which are not to be affixed to containers for shipment to the United States, and it is impractical to return such stamps to the importer from whom they were received or to transfer them to another bottler or exporter conducting operations for the importer, the assistant regional commissioner of the region in which the importer's place of business is located may, on application, in triplicate, by the importer, authorize the destruction of the stamps in the Virgin Islands. The application shall show the size, quantity, and serial numbers of the stamps, the name and address of the Virgin Islands bottler or exporter who has possession of the stamps, and the reasons why destruction in the Virgin Islands is requested. If the assistant regional commissioner approves the application for destruction he will return two copies, marked "approved," to the importer who will forward both copies, together with Form 1627, in duplicate, with the pertinent entries in Part 1 completed, to the Virgin Islands bottler or exporter. On receipt of the approved application, the stamps may be destroyed provided such destruction is under the supervision of an authorized representative of the Governor of the Virgin Islands (including an officer of the Board of Control of Alcoholic Beverages). Upon destruction of the stamps, the Virgin Islands bottler or exporter and the representative shall complete the applicable portions of Part IV of Form 1627. The original Form 1627 and one copy of the approved application shall be returned to the importer who filed the application. Such importer may then take credit for the stamps on his strip stamp record and on Form 96.

(72 Stat. 1358; 26 U.S.C. 5205)

22. Two new sections, §§ 250.252a and 250.252b, are added to prescribe requirements relating to the destruction of red strip stamps on containers in customs custody which are diverted for exportation or withdrawn free of tax, respectively. As added, new §§ 250.252a and 250.252(b), read as follows:

§ 250.252a Destruction of red strip stamps on containers in customs custody.

When containers of distilled spirits to which red strip stamps were affixed prior to arrival in the United States are diverted for exportation, including return to the Virgin Islands bottler or exporter, by the importer, the strip stamps shall be effectively destroyed by the importer or his representative under customs supervision, prior to exportation: *Provided*, That the director of customs may authorize the importer to void, rather than destroy, such stamps under customs supervision. When voiding of red strip stamps has been authorized, they shall be voided by legibly stamping thereon, with indelible ink and in boldface capital letters no smaller than 10-point type, the word "Voided" or the word "cancelled".

(72 Stat. 1358; 26 U.S.C. 5205)

§ 250.252b Destruction of red strip stamps; spirits withdrawn free of tax.

When distilled spirits imported from the Virgin Islands are to be withdrawn from customs custody free of tax for entry into the United States, the red strip stamps affixed to the containers shall be effectively destroyed by the importer or his representative, under customs supervision, prior to such withdrawal.

(72 Stat. 1358; 26 U.S.C. 5205)

§§ 250.253 and 250.254 [Revoked]

23. Sections 250.253 and 250.254 are revoked.

24. Section 250.255 is amended by deleting the requirement that strip stamps be placed in customs custody. As amended, § 250.255 reads as follows:

§ 250.255 Conditions.

Distilled spirits in containers coming into the United States from the Virgin Islands without having red strip stamps

attached may not be released from customs custody until a stamp has been affixed to each container, under the supervision of a customs officer.

(72 Stat. 1358; 26 U.S.C. 5205)

25. Section 250.256 is amended by (1) making a conforming change; and (2) including a cross-reference to new § 250.240a. As amended, § 250.256 reads as follows:

§ 250.256 Requisition, Form 428.

Requisition for red strip stamps shall be made by the original importer, or his agent: *Provided*, That if the importer has gone out of business the requisition shall be made by the person having title to the distilled spirits. The requisition shall be submitted in accordance with § 250.237. Approval of the requisition shall be subject to the provisions of § 250.240 or § 250.240a, as the case may be.

(72 Stat. 1358; 26 U.S.C. 5205)

§ 250.257 [Revoked]

26. Section 250.257 is revoked.

27. Section 250.270 is amended to prescribe new requirements relating to the daily record of strip stamps. As amended, § 250.270 reads as follows:

§ 250.270 Daily record of strip stamps.

(a) For each day during which a transaction in red strip stamps occurs, the importer shall maintain a daily record accounting for all strip stamps procured by him and by his agents. The record shall show by size (small or standard) the number received, used, lost, mutilated, destroyed, or otherwise disposed of, and outstanding at the beginning and end of the day. Each entry showing stamps received shall be supported by the related Form 428, which shall be identified on the record by date and serial number. The record shall also show the number and size of bottles to which the stamps were affixed, except that bottles of less than ½-pint capacity shall be recorded as one item. Each credit taken on the record shall be supported by Form 1627, which shall be identified on the record by date and serial number as the authority for such credit. The stamp record shall also be supported by customs forms covering spirits which have been diverted for exportation, destroyed while in a foreign-trade zone, or returned to the bottler or exporter in the Virgin Islands. If the importer has more than one place of business from which he requisitions stamps, a daily record shall be maintained on the premises of each place of business. Each daily record of strip stamps shall be supplemented by an accounting of strip stamps showing, for each separate location at which there are stamps for which the importer is accountable, (1) the name and address of the business and (2) the quantity of stamps outstanding at the beginning of the day, the quantities received, used, transferred to other locations, lost, mutilated, destroyed, or otherwise disposed of, and the quantity outstanding at the end of the day.

(72 Stat. 1358; 26 U.S.C. 5205)

28. Section 250.271 is amended to provide that the report of strip stamps shall be filed quarterly, instead of annually, and shall be filed with the assistant regional commissioner. As amended, § 250.271 reads as follows:

§ 250.271 Report of strip stamps, Form 96.

The importer shall prepare on Form 96, in duplicate, a quarterly report for the periods ending March 31, June 30, September 30, and December 31 of each year. The report shall account for all strip stamps procured (including stamps procured by his agents at locations other than that of the business of the importer), used, lost, mutilated, destroyed, or otherwise disposed of during the period, and shall show the number of stamps outstanding at the beginning and end of the period. If the importer has more than one place of business from which he requisitions stamps, he shall prepare a separate report on Form 96 for each such place of business. The assistant regional commissioner may require the importer to supplement each report with such information as he deems necessary. The original of Form 96 shall be submitted to the assistant regional commissioner of the region in which the importer's place of business is located not later than the 10th day of the month next succeeding the period for which rendered. The copy of Form 96 shall be retained by the importer and filed with the records required by § 250.270.

(72 Stat. 1358; 26 U.S.C. 5205)

29. Section 250.272 is amended to provide that persons responsible for release of liquors from customs custody who do not take physical possession of the liquors shall keep commercial records which reflect the release of the liquors. As amended, § 250.272 reads as follows:

§ 250.272 General requirements.

Except as provided in § 250.273, every person, other than a tourist, bringing liquors into the United States from the Virgin Islands shall keep such records and render reports of the physical receipt and disposition of such liquors as are required to be kept by a wholesale or retail dealer, as applicable, under the provisions of Part 194 of this chapter. Any importer who is responsible for release of the liquors from customs custody and who does not take physical possession of the liquors shall keep commercial records reflecting such release; such records shall identify the kind and quantity of the liquors released, the name and address of the person receiving the liquors from customs custody, and shall be filed chronologically by release dates. Records and reports will not be required under this part with respect of liquors while in customs custody.

(72 Stat. 1342, 1345; 26 U.S.C. 5114, 5124)

30. Section 250.275 is amended by (1) deleting the reference to the director of customs; and (2) making conforming changes. As amended, § 250.275 reads as follows:

§ 250.275 Filing.

If the importer maintains loose-leaf records of receipt or disposition, one legible copy of each such record shall be marked or stamped "Government File Copy", and shall be filed not later than the close of the business day next succeeding that on which the transaction occurred. All records required by this part, and legible copies of all reports required by this part to be submitted to the assistant regional commissioner shall be filed separately, chronologically, and in numerical sequence within each date, at the importer's place of business to which they relate: *Provided*, That on application, in duplicate, the assistant regional commissioner may authorize the files, or any individual file, to be maintained at other premises under control of the importer, if he finds that such maintenance will not delay the timely filing of any document, or cause undue inconvenience to internal revenue or customs officers desiring to examine such files. Supporting documents, such as consignors' invoices, delivery receipts, bills of lading, etc., or exact copies thereof, may be filed in accordance with the importer's customary practice.

(72 Stat. 1342, 1391; 26 U.S.C. 5114, 5505)

31. Section 250.277 is amended to (1) provide that unused stamps shall be submitted to the assistant regional commissioner; and (2) make related changes. As amended, § 250.277 reads as follows:

§ 250.277 Procedure.

The importer who discontinues or sells his business shall recall from his agents, and his bottlers or exporters in the Virgin Islands, all unused stamps in their custody. He shall submit his entire stock of unused stamps, accompanied by a report, in duplicate, of inventory, by size and quantity, to the assistant regional commissioner. The same procedure may be followed by an importer who has unused stamps for which he has no further use for any reason. The assistant regional commissioner shall then destroy the stamps and, after such destruction, note the action taken on both copies of the inventory. He shall retain the original and return the copy of the inventory to the importer. In the case of discontinuance or sale of the business, the importer shall, within 5 days of the receipt of the returned copy of the inventory, note the disposition of the stamps on Form 96, mark the report "Final", and submit it to the assistant regional commissioner.

(72 Stat. 1358; 26 U.S.C. 5205)

32. A new subpart, Subpart Q, is added to provide for the application for and approval of alternate methods and procedures. As added, new Subpart Q reads as follows:

Subpart Q—Miscellaneous Provisions

§ 250.331 Alternate methods or procedures.

(a) *Application.* A person bringing liquors into the United States from Puerto Rico or the Virgin Islands who desires to

use an alternate method or procedure in lieu of a method or procedure prescribed by this part shall file application, in triplicate, with the assistant regional commissioner of the region in which his place of business is located. If such person has several places of business at which he desires to use such alternate method or procedure, a separate application shall be submitted for each. Each application shall:

(1) Specify the name, address, and permit number of the person to which it relates;

(2) State the purpose for which filed; and

(3) Specifically describe the alternate method or procedure and set forth the reasons therefor.

No alternate method or procedure relating to the assessment, payment, or collection of tax shall be authorized under this paragraph.

(b) *Approval.* When an application for use of an alternate method or procedure is received, the assistant regional commissioner shall determine whether the approval thereof would unduly hinder the effective administration of this part or would result in jeopardy to the revenue. The assistant regional commissioner shall forward two copies of the application to the Director, Alcohol, Tobacco and Firearms Division, together with a report of his findings and his recommendation. The Director, Alcohol, Tobacco and Firearms Division, may approve the alternate method or procedure if he finds that:

(1) Good cause has been shown for the use of the alternate method or procedure;

(2) The alternate method or procedure is within the purpose of, and consistent with the effect intended by, the specifically prescribed method or procedure, and affords equivalent security to the revenue; and

(3) The alternate method or procedure will not be contrary to any provision of law, and will not result in any increase in cost to the Government or hinder the effective administration of this part.

No alternate method or procedure shall be used until approval has been received from the Director, Alcohol, Tobacco and Firearms Division. Authorization for the alternate method or procedure may be withdrawn whenever in the judgment of the Director, Alcohol, Tobacco and Firearms Division, the revenue is jeopardized or the effective administration of this part is hindered by the continuation of such authorization.

(Sec. 7805, Internal Revenue Code, 68A Stat. 917; 26 U.S.C. 7805)

PAR. D. 26 CFR Part 251 is amended as follows:

1. Section 251.11 is amended by (1) changing the definitions of "Assistant regional commissioner" and "Director of customs." As amended, § 251.11 reads as follows:

§ 251.11 Meaning of terms.

* * * * *

Assistant regional commissioner. An assistant regional commissioner (alcohol, tobacco, and firearms) who is responsible to and functions under the direction and supervision of, a regional commissioner of internal revenue.

* * * * *

Director of customs. The officer who has jurisdiction over all customs activities of a customs district, including district directors of customs at headquarters ports of the district (except the district of New York, N.Y.); the area directors of customs in the district of New York, N.Y.; the regional commissioner of customs, and, as applicable, port directors at ports not designated as headquarters ports.

* * * * *

§ 251.49 [Amended]

2. The statutory citation at the end of § 251.49 is corrected to read "(76 Stat. 72, as amended; 19 U.S.C. 1202)."

3. Section 251.64 is amended to prescribe revised requirements relating to the procurement and issuance of strip stamps. As amended, § 251.64 reads as follows:

§ 251.64 Requisition, Form 428.

Requisition on Form 428 for red strip stamps shall be made by the importer, or by his agent pursuant to filing a Form 1534 as provided in § 251.64a, or by the subsequent purchaser of the distilled spirits as provided in § 251.111. The name, address, and permit number of the importer (or subsequent purchaser) shall be shown, and if the requisition is prepared by an agent located at an address other than that of the importer, the address of the agent shall be shown. The requisition shall be serially numbered by the importer, and if one or more agents at locations other than that of the importer also place requisitions, each agent shall maintain a separate series of serial numbers prefixed by a letter designation assigned by the importer, e.g., A–1, A–2. The Form 428 shall be submitted to the assistant regional commissioner of the region in which the place of business of the importer, or of his agent, or of the subsequent purchaser, as the case may be, is located. A certified, photostatic or similar type of reproduced copy of the importer's permit issued pursuant to the Federal Alcohol Administration Act and regulations issued thereunder shall be furnished to the assistant regional commissioner of a region other than the region in which the importer's place of business is located either before or at the time the first requisition is presented for approval. Notwithstanding the provisions of Part 250 of this chapter, an importer or his agent procuring spirits from abroad and from the Virgin Islands may include stamps for both purposes on one requisition. All strip stamps issued on Form 428 shall, for each location at which an accounting of stamps is required by § 251.130, be accounted for on a first-in first-out basis.

(72 Stat. 1358; 26 U.S.C. 5205)

4. Section 251.64a is amended to: (1) Provide that powers of attorney shall be filed with the assistant regional commissioner; and (2) make a number of related changes. As amended, § 251.64a reads as follows:

§ 251.64a Power of attorney.

If an importer gives power of attorney to another person to sign Form 96 or Form 428, such power of attorney shall be executed on Form 1534 and, in the case of Form 96, filed with the assistant regional commissioner of the region in which the importer's business is located or, in the case of Form 428, the assistant regional commissioner with whom the requisition will be filed. When either of the above forms is signed by an agent, the name of the importer shall be given, followed by the signature of the agent and the words "Attorney in Fact."

§§ 251.65 and 251.65a [Revoked]

5. Sections 251.65 and 251.65a are revoked.

6. Section 251.66 and its heading are amended to provide that requisitions for strip stamps will be approved, and the stamps issued, by the assistant regional commissioner. As amended, § 251.66 reads as follows:

§ 251.66 Approval of requisition and issuance of stamps.

The assistant regional commissioner will approve Form 428 and issue the stamps if he—

(a) Is satisfied:

(1) That the importer is the holder of importer's permit issued under the Federal Alcohol Administration Act and the regulations in 27 CFR Part 1 and

(2) That the quantity requisitioned is reasonable and necessary; and

(b) Has no information on which a denial of a requisition should be made under the provisions of § 251.92.

When satisfied that Form 428 may be approved, the assistant regional commissioner shall enter the serial numbers of the stamps issued and the date of issue and approve all copies of the form. He shall then deliver the stamps to the applicant, and, if the stamps are mailed, or are delivered to anyone other than the applicant, two copies of the Form 428 shall accompany the stamps. Upon receipt of the stamps, the applicant shall acknowledge receipt on both copies of Form 428 and return one copy to the assistant regional commissioner who issued the stamps and, if an agent, one copy to the importer. In each instance when the assistant regional commissioner approves a requisition which has been submitted by an agent of an importer, the assistant regional commissioner shall immediately forward a copy of Form 428 to the importer, and, if the importer's place of business is located in another region, the assistant regional commissioner shall forward a copy to the assistant regional commissioner of the region in which the importer's place of business is located. If a requisition is disapproved for any reason, the assistant regional commissioner shall return a copy of Form 428 marked "disapproved" to the applicant.

(72 Stat. 1358; 26 U.S.C. 5205)

7. A new section, § 251.66a, is added to prescribe requirements relating to issuance of stamps by an alternative method. As added, new § 251.66a reads as follows:

§ 251.66a Alternative method for issuance of stamps.

(a) *Action by assistant regional commissioner.* When the assistant regional commissioner determines that the interest of the Government will be best served thereby, strip stamps may be shipped directly to the applicant, as shown on Form 428, from a location other than the office of the assistant regional commissioner. In such case, the assistant regional commissioner shall notify the applicant that strip stamps will be delivered by an alternative method and inform him of the minimum quantity, if any, of each size of stamp which may be requisitioned on any particular Form 428. Upon approval of Form 428, two copies of the form shall be returned to the applicant, and, if the Form 428 was prepared by an agent of an importer, a copy of the form shall be forwarded to the importer and, if applicable, to the assistant regional commissioner of the region in which the importer's place of business is located.

(b) *Action by applicant.* Upon receipt of the stamps, the applicant shall (1) indicate the serial numbers (if any) of the stamps received and acknowledge receipt of the stamps on both copies of Form 428, and (2) return one copy to the assistant regional commissioner to whom the Form 428 was submitted for approval and, if an agent, one copy to the importer.

(72 Stat. 1358; 26 U.S.C. 5205)

§ 251.67 [Revoked]

8. Section 251.67 is revoked.

9. Section 251.68 is amended to (1) delete the requirement that the overprinting of stamps be verified by the director of customs; and (2) make an editorial change. As amended, § 251.68 reads as follows:

§ 251.68 Overprinting of red strip stamps.

The importer, or his agent, or the subsequent purchaser of the distilled spirits, as the case may be, shall have the red strip stamps indelibly and legibly overprinted, at his own expense, with the permit number of the importer in whose name the stamps were requisitioned: *Provided,* That if the importer is an agency of a State or a political subdivision thereof, or the District of Columbia, the stamps will be overprinted with the name of the State or with "District of Columbia," or with a recognized abbreviation thereof.

(72 Stat. 1358; 26 U.S.C. 5205)

10. Section 251.69 is amended to (1) provide that the Director may authorize labels to be affixed so as to partially obscure strip stamps; and (2) make an editorial change. As amended, § 251.69 reads as follows:

§ 251.69 Affixing strip stamps.

Strip stamps shall be securely affixed to the container with a strong adhesive, and shall be affixed in such a manner that on opening the container the stamp will be broken and a portion thereof, sufficient to identify the kind of stamp placed thereon, will remain attached to the container or to a cap or seal which is permanently affixed thereto. Strip stamps affixed to containers shall not be concealed or obscured in any manner except that (a) the Director, Alcohol, Tobacco and Firearms Division, may authorize labels to be so affixed as to partially obscure strip stamps, if he finds that a need therefor exists, and if he finds that the manner of affixing such labels does not obscure essential information on the strip stamps which is not clearly shown on the bottle or on the labels affixed to the bottle, and (b) any such stamp may be covered by a cup, cap, seal, carton, wrapping, or other device which can be readily removed without injury to the stamp or which is sufficiently transparent to permit all data on the stamp to be read. If a cup, cap, or seal is placed over a stamp, a portion of the stamp must remain plainly visible. If containers are enclosed in sealed opaque cartons, such cartons or wrappings on such cartons must bear the words, "This package may be opened for examination by Internal Revenue Officers." Internal revenue and customs officers have the right to open such cartons or wrappings and examine the container. If there is doubt as to the propriety of the use of any cup, cap, or seal, the closure and container should be submitted to the Director, Alcohol, Tobacco and Firearms Division, for approval.

(72 Stat. 1358; 26 U.S.C. 5205)

11. Section 251.72 is amended to make its provisions applicable to spirits which are returned to a foreign bottler or exporter. As amended, § 251.72 reads as follows:

§ 251.72 Exportation of imported distilled spirits; red strip stamps.

When imported distilled spirits to which red strip stamps were affixed prior to arrival in the United States are diverted for exportation purposes, including return to the foreign bottler or exporter, by the importer, the strip stamps shall be effectively destroyed by the importer or his representative under customs supervision, prior to exportation: *Provided,* That the director of customs may authorize the importer to void, rather than destroy, such strip stamps under customs supervision. When voiding of red strip stamps has been authorized, they shall be voided by legibly stamping thereon, with indelible ink and in boldface capital letters no smaller than 10-point type, the word "Voided" or the word "Cancelled." Red strip stamps affixed to distilled spirits originating in the United States, evidencing the tax or indicating compliance with the provisions of chapter 51, I.R.C., shall not be removed at or prior to the time of exportation.

(72 Stat. 1358; 26 U.S.C. 5205)

12. Section 251.80 is amended to delete the requirement that stamps to be sent to a foreign bottler or exporter be requisitioned specifically for that purpose. As amended, § 251.80 reads as follows:

§ 251.80 Conditions.

Red strip stamps, requisitioned by, and issued to, an importer or his agent as provided in this part, may be sent to a bottler or exporter in a foreign country to be affixed to containers of distilled spirits.

(72 Stat. 1358; 26 U.S.C. 5205)

§§ 251.81, 251.82, 251.83, and 251.85 [Revoked]

13. Sections 251.81, 251.82, 251.83, and 251.85 are revoked.

14. Sections 251.85a and 251.86 and their headings are amended by changing the requirements relating to the taking of credit for red strip stamps used, and § 251.85a is further amended by providing for stamps to be voided. As amended, §§ 251.85a and 251.86 read as follows:

§ 251.85a Credit for red strip stamps on distilled spirits deposited in a foreign-trade zone.

When red strip stamps are affixed abroad to containers of imported distilled spirits and, on arrival in the United States, the spirits are deposited in a foreign-trade zone, Form 1627 shall be prepared and distributed in accordance with the instructions on the form, and credit shall be taken for the stamps on the importer's daily record of strip stamps in the manner provided in § 251.86. In addition, and as a condition of obtaining approval from the director of customs for admission of the spirits to the zone, the importer or his agent and the zone grantee shall state on the zone application that if such spirits are subsequently exported from the zone the red strip stamps will be effectively destroyed or voided under customs supervision prior to exportation. The director of customs will not approve such exportation and will not execute a permit of delivery until the red strip stamps have been effectively destroyed or voided as provided in § 251.72.

(48 Stat. 999, as amended, 72 Stat. 1358; 19 U.S.C. 81c, 26 U.S.C. 5205)

§ 251.86 Credit for red strip stamps on arrival of distilled spirits.

On arrival of a shipment of imported spirits, the importer who requisitioned the stamps, the importer filing the customs entry papers, or the agent of either shall prepare Part 1 of Form 1627. Form 1627 shall be furnished to customs officials with the entry papers for execution of Part 11 or 111 by the appropriate customs official. If Form 1627 is prepared by anyone other than the importer who requisitioned the stamps, a copy of the form shall be forwarded to such importer at the time the original and one copy are furnished to customs officials. On receipt of Form 1627 properly executed as to Part 11 or 111, the importer who requisitioned the stamps, or in

whose name the stamps were requisitioned, may take credit for the stamps on his daily record of strip stamps.

(72 Stat. 1358; 26 U.S.C. 5205)

§§ 251.87 and 251.87a [Revoked]

15. Sections 251.87 and 251.87a are revoked.

16. Section 251.88 is amended to provide for discrepancies in shipments to be recorded on Form 1627 by the customs officer. As amended, § 251.88 reads as follows:

§ 251.88 Irregularities or discrepancies in shipments.

In case any irregularities or discrepancies are found, the director of customs at the port of entry will make demand for redelivery of unexamined packages, and will not release examined or redelivered packages until satisfactory explanation and/or proper corrections have been made. The customs officer will enter any discrepancies as to red strip stamps on Form 1627.

(72 Stat. 1358; 26 U.S.C. 5205)

§§ 251.88a and 251.89 [Revoked]

17. Sections 251.88a and 251.89 are revoked.

18. Section 251.89a is amended to change the requirements relating to the destruction of stamps abroad. As amended, § 251.89a reads as follows:

§ 251.89a Destruction of red strip stamps abroad.

When for any reason a foreign bottler or exporter has on hand a quantity of red strip stamps which are not to be affixed to containers for export to the United States, and it is impractical to return such stamps to the importer from whom they were received or to transfer them to another bottler or exporter conducting operations for the importer, the assistant regional commissioner of the region in which the importer's place of business is located, may, on application (in triplicate) by the importer, authorize the destruction of the stamps abroad. The application shall show the size, quantity, and serial numbers of the stamps, the name and address of the foreign bottler or exporter who has possession of the stamps, and the reasons why destruction abroad is requested. If the assistant regional commissioner approves the application for destruction he will return two copies, marked "approved", to the importer who will forward both copies, together with Form 1627, in duplicate, with pertinent entries in Part 1 completed, to the foreign bottler or exporter abroad. On receipt of the approved application, the stamps may be destroyed provided such destruction is under the supervision of a Foreign Service officer of the United States of America, or of a Treasury Department officer stationed abroad, or of an excise official of the foreign government concerned. Upon destruction of the stamps, the foreign bottler or exporter and the officer or official shall complete the applicable portions of Part IV on Form 1627. The original Form 1627 and one copy of the approved application shall be returned to the importer who filed the application. Such importer may then take credit for the stamps on his strip stamp record and on Form 96.

(72 Stat. 1358; 26 U.S.C. 5205)

§§ 251.90 and 251.91 [Revoked]

19. Sections 251.90 and 251.91 are revoked.

20. Section 251.92 is amended in its entirety. As amended, § 251.92 reads as follows:

§ 251.92 Breach of regulations, or failure to properly account for strip stamps.

The assistant regional commissioner shall refuse to approve any further requisitions, Form 428, when he has knowledge that the importer has failed to furnish a satisfactory accounting for strip stamps, as prescribed in this part, or has failed to comply with any of the provisions of this part. The assistant regional commissioner may require of the importer, at a specified time and place, an immediate accounting of all strip stamps outstanding in the name of the importer as a means of determining whether there has been unlawful diversion or use of strip stamps and may also require that all unused strip stamps be recalled and delivered so they may be counted. If the assistant regional commissioner has evidence that any of the provisions of this part have been willfully violated, he shall take appropriate action. He shall also refuse to approve any further requisitions when he has knowledge that the importer has failed to furnish a satisfactory accounting for strip stamps in any other region.

(72 Stat. 1358; 26 U.S.C. 5205)

21. Section 251.110 is amended by deleting the requirement that strip stamps be placed in customs custody. As amended, § 251.110 reads as follows:

§ 251.110 Conditions.

Distilled spirits in containers imported without having red strip stamps attached may not be released from customs custody until a stamp has been affixed to each container, under the supervision of a customs officer.

(72 Stat. 1358; 26 U.S.C. 5205)

22. Section 251.111 is amended by (1) making a conforming change; (2) deleting the cross-reference to § 251.67; and (3) adding a cross-reference to 251.66a. As amended, § 251.111 reads as follows:

§ 251.111 Requisition, Form 428.

Requisition for red strip stamps shall be made by the original importer or his agent: *Provided*, That if the importer has gone out of business the requisition shall be made by the person having title to the distilled spirits. The requisition shall be submitted in accordance with § 251.64. Subsequent procedure shall conform to applicable provisions of § 251.66 or § 251.66a, and § 251.68.

(72 Stat. 1358; 26 U.S.C. 5205)

23. Section 251.130 is amended to prescribe new requirements relating to the daily record of strip stamps. As amended, § 251.130 reads as follows:

§ 251.130 Daily record of strip stamps.

(a) For each day during which a transaction in red strip stamps occurs, the importer shall maintain a daily record accounting for all strip stamps procured by him and by his agents. The record shall show by size (small or standard) the number received, used, lost, mutilated, destroyed, or otherwise disposed of, and outstanding at the beginning and end of the day. Each entry showing stamps received shall be supported by the related Form 428, which shall be identified on the record by date and serial number. The record shall also show the number and size of bottles to which the stamps were affixed, except that bottles of less than one-half of a pint capacity shall be recorded as one item. Each credit taken on the record shall be supported by Form 1627, which shall be identified on the record by date and serial number as the authority for such credit. The stamp record shall also be supported by customs forms covering spirits which have been diverted for exportation, destroyed while in a foreign-trade zone, or returned to a foreign bottler or exporter. If the importer has more than one place of business from which he requisitions stamps, a daily record shall be maintained on the premises of each place of business. Each daily record of strip stamps shall be supplemented by an accounting of strip stamps showing, for each location at which there are stamps for which the importer is accountable, (1) the name and address of the business, and (2) the quantity of stamps outstanding at the beginning of the day, the quantities received, used, transferred to other locations, lost, mutilated, destroyed, or otherwise disposed of, and the quantity outstanding at the end of the day.

(72 Stat. 1358; 26 U.S.C. 5205)

24. Section 251.131 is amended to (1) provide that the report of strip stamps shall be filed quarterly, instead of annually, and shall be filed with the assistant regional commissioner, instead of the director of customs; and (2) make it clear that one report may cover both stamps used on imported and Virgin Islands spirits. As amended, § 251.131 reads as follows:

§ 251.131 Report of strip stamps, Form 96.

The importer shall prepare on Form 96, in duplicate, a quarterly report for the periods ending March 31, June 30, September 30, and December 31 of each year. The report shall account for all strip stamps procured (including stamps procured by his agents at locations other than that of the business of the importer), used, lost, mutilated, destroyed, or otherwise disposed of during the period, and shall show the number of stamps outstanding at the beginning and end of the period. If the importer has more than one place of business from

which he requisitions stamps, he shall prepare a separate report on Form 96 for each place of business. The assistant regional commissioner may require the importer to supplement each report with such other information as he deems necessary. The original of Form 96 shall be submitted to the assistant regional commissioner of the region in which the importer's place of business is located not later than the 10th day of the month next succeeding the period for which rendered. The copy of Form 96 shall be retained by the importer and filed with the records required by § 251.130. Notwithstanding any provision of this part, an importer who imports spirits into the United States as provided in this part and who also brings spirits into the United States from the Virgin Islands as provided in Part 250 of this chapter shall render only one Form 96 covering stamps used for both purposes during each quarterly period.

(72 Stat. 1358; 26 U.S.C. 5205)

25. Section 251.133 is amended to provide that persons responsible for release of liquors from customs custody who do not take physical possession of the liquors shall keep commercial records which reflect the release of liquors. As amended, § 251.133 reads as follows:

§ 251.133 General requirements.

Except as provided in § 251.134, every importer who imports distilled spirits, wines, or beer shall keep such records and render such reports of the physical receipt and disposition of such liquors as are required to be kept by a wholesale or retail dealer, as applicable, under the provision of Part 194 of this chapter. Any importer who does not take physical possession of the liquors at the time of, but is responsible for, their release from customs custody shall keep commercial records reflecting such release; such records shall identify the kind and quantity of the liquors released, the name and address of the person receiving the liquors from customs custody, and the date of release, and shall be filed chronologically by release dates. Records and reports will not be required under this part with respect of liquors while in customs custody.

(72 Stat. 1342, 1345, 1395, 1395; 26 U.S.C. 5114, 5124, 5555)

26. Eection 251.136 is amended by (1) deleting the reference to the director of customs; and (2) making conforming changes. As amended, § 251.136 reads as follows:

§ 251.136 Filing.

If the importer maintains looseleaf records of receipt or disposition, one legible copy of each such record shall be marked or stamped "Government File Copy," and shall be filed not later than the close of the business day next succeeding that on which the transaction occurred. All records required by this part, and legible copies of all reports required by this part to be submitted to the assistant regional commissioner shall be filed separately, chronologically, and in numerical sequence within each date, at the importer's place of business to which they relate: *Provided*, That on application, in duplicate, the assistant regional commissioner may authorize the files, or any individual file, to be maintained at other premises under control of the importer, if he finds that such maintenance will not delay the timely filing of any document, or cause undue inconvenience to internal revenue or customs officers desiring to examine such files. Supporting documents, such as consignors' invoices, delivery receipts, or bills of lading, or exact copies thereof, may be filed in accordance with the importer's customary practice.

(72 Stat. 1342, 1345, 1361, 1395; 26 U.S.C. 5114, 5124, 5207, 5555)

27. Section 251.160 is amended to (1) provide that unused stamps shall be submitted to the assistant regional commissioner instead of the director of customs; and (2) make related changes. As amended, § 251.160 reads as follows:

§ 251.160 Disposition of strip stamps.

The importer who discontinues or sells his business shall recall from his agents, and his foreign bottlers or exporters abroad, all unused stamps in their custody. He shall submit his entire stock of unused stamps, accompanied by a report, in duplicate, of inventory, by size and quantity, to the assistant regional commissioner. The same procedure may be followed by an importer who has unused stamps for which he has no further use for any reason. The assistant regional commissioner shall then destroy the stamps and, after such destruction, note the action taken on both copies of the inventory. He shall retain the original of the inventory and return the copy to the importer. In the case of discontinuance or sale of the business, the importer shall, within 5 days of the receipt of the returned copy of the inventory, note the disposition of the stamps on Form 96, mark the report "Final", and submit it to the assistant regional commissioner.

(72 Stat. 1358; 26 U.S.C. 5205)

28. A new subpart, Subpart O, is added to provide for the application for and approval of alternate methods and procedures. As added, new Subpart O reads as follows:

Subpart O—Miscellaneous Provisions

§ 251.221 Alternate methods or procedures.

(a) *Application.* An importer who desires to use an alternate method or procedure in lieu of a method or procedure prescribed by this part shall file application, in triplicate, with the assistant regional commissioner of the region in which his place of business is located. If the importer has several places of business at which he desires to use such alternate method or procedure, a separate application shall be submitted for each. Each application shall:

(1) Specify the name, address, and permit number of the importer to which it relates;

(2) State the purpose for which filed; and

(3) Specifically describe the alternate method or procedure and set forth the reasons therefor.

No alternate method or procedure relating to the assessment, payment, or collection of tax shall be authorized under this paragraph.

(b) *Approval.* When an application for use of an alternate method or procedure is received, the assistant regional commissioner shall determine whether approval thereof would unduly hinder the effective administration of this part or would result in jeopardy to the revenue. The assistant regional commissioner shall forward two copies of the application to the Director, Alcohol, Tobacco and Firearms Division, together with a report of his findings and his recommendation. The Director, Alcohol, Tobacco and Firearms Division, may approve the alternate method or procedure if he finds that:

(1) Good cause has been shown for the use of the alternate method or procedure;

(2) The alternate method or procedure is within the purpose of, and consistent with the effect intended by, the specifically prescribed method or procedure, and affords equivalent security to the revenue; and

(3) The alternate method or procedure will not be contrary to any provision of law, and will not result in an increase in cost to the Government or hinder the effective administration of this part.

No alternate method or procedure shall be used until approval has been received from the Director, Alcohol, Tobacco and Firearms Division. Authorization for the alternate method or procedure may be withdrawn whenever in the judgment of the Director, Alcohol, Tobacco and Firearms Division, the revenue is jeopardized or the effective administration of this part is hindered by the continuation of such authorization.

(Sec. 7805, Internal Revenue Code, 68A Stat. 917; 26 U.S.C. 7805)

[FR Doc. 72-10031 Filed 6-30-72;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 925]

FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREG.

Proposed Handling Limitations

Notice is hereby given that the Department is considering the following proposals of the Idaho-Malheur County, Oreg. Fresh Prune Marketing Committee, established under the marketing agreement and Order No. 925 (7 CFR Part 925), regulating the handling of fresh prunes grown in designated counties in

Idaho and in Malheur County, Oreg., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The recommendation of the Idaho-Malheur County, Oreg. Fresh Prune Marketing Committee reflects its appraisal of the fresh prune crop and current and prospective market conditions. Shipments of Idaho-Oregon fresh prunes are expected to begin on or about August 7, 1972. The grade and size requirements provided herein are necessary to prevent the handling, on and after August 7, 1972, of prunes grading lower and being smaller in size than those herein specified, so as to provide consumers with good quality fruit, consistent with: (1) The overall quality of the crop, and (2) maximizing returns to the producers pursuant to the declared policy of the Act.

§ 925.311 Prune Regulation 10.

(a) *Order.* During the period August 7, 1972, through December 31, 1972, no handler shall handle any lot of prunes unless such prunes meet the following applicable requirements, or are handled in accordance with subparagraph (3) of this paragraph:

(1) Minimum grade and size requirements: Such prunes grade at least U.S. No. 1 and are a minimum size of 1⅛ inches in diameter: *Provided,* That prunes which are affected by healed hail marks may be shipped if they otherwise grade at least U.S. No. 1.

(2) Containers: The net weight of prunes in any container, other than the one-half (½) bushel basket shall be either (i) less than 20 pounds, or (ii) more than 30 pounds.

(3) Notwithstanding any other provision of this regulation, any individual shipment of prunes which, in the aggregate, does not exceed 1,000 pounds net weight may be handled without regard to the restrictions specified in this paragraph (a) or in § 925.41 (Assessment) and § 925.55 (Inspection and Certification) of this part.

(4) The terms "U.S. No. 1," "diameter," and "hail marks" shall have the same meaning as when used in the U.S. Standards for Fresh Plums and Prunes (7 CFR 51.1520–51.1538); and terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in the marketing agreement and order.

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

Dated: June 28, 1972.

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

[FR Doc.72–10103 Filed 6–30–72;8:51 am]

[7 CFR Part 930]

HANDLING OF CHERRIES GROWN IN MICHIGAN, NEW YORK, WISCONSIN, PENNSYLVANIA, OHIO, VIRGINIA, WEST VIRGINIA, AND MARYLAND

Free and Restricted Percentages of Cherries for the 1972–73 Fiscal Period

Consideration is being given to a proposal to establish, for the 1972–73 fiscal period beginning May 1, 1972, free and restricted percentages which percentages shall be applied to all cherries acquired during such fiscal period.

The proposed percentages, which were recommended by the Cherry Administrative Board at its meeting on June 23, 1972, would be established in accordance with the provisions of the Marketing Order No. 930 (7 CFR Part 930) regulating the handling of cherries grown in Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The recommendation by the Cherry Administrative Board reflects its appraisal of the available supply of cherries and the current and prospective market conditions. The fixing of the free and restricted percentages as specified herein is designed to establish and maintain orderly marketing conditions, provide the market with an adequate supply of cherries, and to prevent the chaotic marketing conditions which would likely result if all of the available supplies of cherries were marketed during the current fiscal period.

The proposal is as follows:

§ 930.501 Free and restricted percentages for the 1972–73 fiscal period.

The free percentage and restricted percentage applicable to all cherries acquired during the fiscal period May 1, 1972, through April 30, 1972, shall be 85 percent and 15 percent, respectively.

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

Dated: June 28, 1972.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegatable Division, Agriculture Marketing Service.

[FR Doc.72–10104 Filed 6–30–72;8:51 am]

[7 CFR Part 980]

ONION IMPORTS

Grade, Size, and Maturity Requirements

Notice is hereby given of proposed grade, size, and maturity requirements to be made applicable to the importation of onions into the United States pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The import regulation would be based on, and comply with, regulations to be made effective under the Federal marketing order for onions grown in certain designated counties in Idaho, and Malhuer County, Oreg.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are filed in quadruplicate with the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 7 days 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 proposal is as follows:

§ 980.111 Onion import regulation.

Except as otherwise provided herein, during the period beginning July 17, 1972, and continuing through April 30, 1973, no person may import onions of the yellow or white varieties unless such onions are inspected and meet the requirements of this section.

(a) *Grade, size, and maturity requirements*—(1) *Yellow varieties.* U.S. No. 2, or better grade, 1½ inches minimum diameter.

(2) *White varieties.* U.S. No. 2, or better grade, 1 inch minimum diameter.

(3) *Yellow and white varieties.* At least "moderately cured."

(b) *Condition.* Due consideration shall be given to the time required for transportation and entry of onions into the United States. Onions with transit time from country of origin to entry into the United States of 10 or more days may be entered if they meet an average tolerance for decay of not more than 5 percent, provided they meet the other requirements of this section.

(c) *Minimum quantity.* Any importation which in the aggregate does not exceed 100 pounds in any day, may be imported without regard to the provisions of this section.

(d) *Plant quarantine.* Provisions of this section shall not supersede the restrictions or prohibitions on onions under the Plant Quarantine Act of 1912.

(e) *Designation of governmental inspection service.* The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are designated as governmental inspection services for certifying the grade, size, quality, and maturity of onions that are imported into the United States under the provisions of section 8e–1 of the act.

(f) *Inspection and official inspection certificates.* (1) An official inspection certificate certifying the onions meet the U.S. import requirements for onions under section 8e–1 (7 U.S.C. 608e–1), issued by a designated governmental inspection service and applicable to a specific lot is required on all imports of onions.

(2) Inspection and certification by the Federal or Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables and other products (Part 51 of this title). Each lot shall be made available and accessible for inspection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(3) Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of onions should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the onions will be imported.

Ports	Office	Advance notice
All Texas points.	W. T. McNabb, Post Office Box 310, Austin, TX 78767 (Phone 512—385-5385).	1 day.
All Arizona points.	B. O. Morgan, Post Office Box 1614, Nogales, AZ 85621 (Phone 602—287-2902).	Do.
All California points.	D. P. Thompson, 294 Wholesale Terminal Bldg., 784 South Central Ave., Los Angeles, CA 90021 (Phone 213—622-8756).	3 days.
All Hawaii points.	Stevenson Ching, 1428 South King St., Honolulu, HI 96814 (Phone 808—941-3071).	1 day.
New York City.	Edward J. Beller Room 28A Hunts Point Market, Bronx, N.Y. 10474 (Phone 212—991-7668—7669).	Do.
New Orleans...	Pascal J. Lamarca, 5027 Federal Office Bldg., 701 Loyola Ave., New Orleans, LA 70113 (Phone 504—527-6741—6742).	Do.
All other points.	D. S. Matheson Fruit and Vegetable Division, Agricultural Marketing Service, Washington, D.C. 20250 (Phone 202—447-6870).	3 days.

(4) Inspection certificates shall cover only the quantity of onions that is being imported at a particular port of entry by a particular importer.

(5) In the event the required inspection is performed prior to the arrival of the onions at the port of entry, the inspection certificate that is issued must show that the inspection was performed at the time of loading such onions for direct transportation to the United States; and if transportation is by water, the certificate must show that the inspection was performed at the time of loading onto the vessel.

(6) Each inspection certificate issued with respect to any onions to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The commodity inspected;

(iv) The quantity of the commodity covered by the certificate;

(v) The principal identifying marks on the containers;

(vi) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(vii) The following statement, if the facts warrant: Meets import requirements of 7 U.S.C. 608e–1.

(g) *Reconditioning prior to importation.* Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of onions for the purpose of making it eligible for importation.

(h) *Definitions.* For the purpose of this section, "Onions" means all varieties of Allium cepa marketed dry, except dehydrated, canned and frozen onions, onion sets, green onions, and pickling onions. The term "moderately cured" means the onions are mature and are more nearly well cured than fairly well cured. "Importation" means release from custody of the United States Bureau of Customs.

Dated: June 27, 1972.

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

[FR Doc.72–10105 Filed 6–30–72;8:51 am]

[7 CFR Part 993]

DRIED PRUNES PRODUCED IN CALIFORNIA

Proposed Limitations of Handling

Notice is hereby given of a proposal to amend the administrative rules and regulations (Subpart—Administrative Rules and Regulations; 7 CFR 993.101–993.174; 37 F.R. 4245; 5600). The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993; 37 F.R. 861; 3349), regulating the handling of dried prunes produced in California. The amended marketing agreement and order (hereinafter collectively referred to as the "order") are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was unanimously recommended by the Prune Administrative Committee.

Recent amendment of the order requires conforming changes in the administrative rules and regulations. The changes set forth in the Committee's proposal include: (1) Deleting obsolete provisions including provisions pertaining to the accumulation of certain quality prunes and their disposition for nonhuman consumption; (2) prescribing procedures for the receipt and disposition of undersized prunes, including documentation requirements for such disposition; and (3) making minor changes in handler reporting requirements.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than 7 days after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal follows:

§ 993.105a [Redesignated]

1. Section 993.105a *Size count* is redesignated § 993.105 *Size count.*

§ 993.105b [Revoked]

2. Section 993.105b is revoked.

3. Section 993.149 is amended by revising paragraph (c) (2) and by revoking paragraph (e) as follows:

§ 993.149 Receiving of prunes by handlers.

* * * * *

(c) * * *

(2) *Certification.* Following inspection of a lot not returned to the producer or dehydrator, the handler shall require the inspection service to issue, in quintuplicate, a signed certificate containing at least the following information: (i) The date and place where samples were drawn and the date and place of inspection; (ii) the name and address of the producer or dehydrator, the handler, and the inspection service; (iii) the variety of the prunes, the county in which such prunes were produced, the number and type of the containers thereof, the net weight of the prunes as shown on the applicable door receipt or weight certificate, together with the number of such receipt or certificate and the contract or account number under which the prunes were delivered; (iv) whenever applicable, the percentage by weight of undersized prunes in the lot; (v) with respect to the balance of the lot, the inspector's computation of the percentage of each group or combination of groups of defects for which a maximum tolerance is in effect; (vi) whether the balance of the prunes are standard or substandard; (vii) if substandard, the percentage by

weight of off-grade prunes (those defective pursuant to § 993.97) necessary to be removed therefrom in order for the remainder of the balance of the lot to be standard prunes; and (viii) in any crop year in which a reserve percentage other than 0 percent is established, the average size count of all prunes in the lot: *Provided,* That whenever an undersized regulation is in effect for the crop year, the average size count shall be of all prunes except undersized prunes in the lot. The handler shall require the inspection service to furnish the producer or dehydrator with one copy of the certificate and the handler with two copies promptly.

* * * * *

(e) [Revoked]

§ 993.150 [Amended]

4. The first sentence of § 993.150(d) is revised to read: "Any lot of standard prunes or standard processed prunes containing more than 2 percent by weight of non-French prunes shall be disposed of only in prune product outlets as prescribed in § 993.50(c) unless the non-French prunes therein have an average count of 40 or less per pound and unless in a 100-ounce sample of the lot, the count per pound of 10 ounces of the smallest prunes in the sample does not vary from the count per pound of 10 ounces of the largest prunes in the sample by more than 35 points."

5. Section 993.150(e)(3) is revised by deleting the words "or to be credited against handler disposition obligations in accordance with § 993.149(e)(2);".

6. Section 993.150(e)(3)(vii) is revised by deleting the words "except for prunes within § 993.149(e)(2),".

7. A new paragraph (g) is added to § 993.150 reading as follows:

(g) *Disposition of undersized prunes*—(1) *Application for and approval of disposition.* Undersized prunes accumulated by a handler pursuant to § 993.49(c) shall be disposed of in nonhuman consumption outlets during the crop year in which the prunes establishing such obligation were received from producers and dehydrators. Prior to making any such disposition, the handler shall obtain the Committee's approval of his application to do so. The handler's application to ship or otherwise make final disposition of any such undersized prunes shall be submitted on Form PAC 2.21 "Application for Permission to Dispose of Undersized Prunes" which shall set forth: (i) The name and address of the handler's vendee and the name and address of the consignee whether the same as or different from the vendee; (ii) the particular use to be made of the prunes; (iii) if such use is to be by a person other than the handler's vendee or the consignee, the name and address of such user; and (iv) the crop year or the period within, or the portion of, the crop year during which shipment or other disposition is to be made. When the use or the name and address of the consignee or user are not known by the handler, the handler shall arrange for the submission of such information to the Committee. If use is to be by the handler, the application shall so indicate and shall set forth all applicable information. Each application for shipment shall be limited to the handler's vendee and the consignee, if different from the vendee, and to a specific user and use. Each application for final disposition for a particular use by the handler shall be limited to such handler and use. The Committee's approval of a handler's application shall be transmitted to the handler on Form PAC 2.31 "Permission to Dispose of Undersized Prunes." In approving an application, the Committee shall specify the crop year or the period within, or the portion of, the crop year for which the approval is granted. When the use or the name and address of the user or consignee are not known to the handler, the Committee shall not approve the application until it has been informed as to such use and user and consignee of the prunes. The requirements of paragraph (e)(1)(iv) (except (*a*) thereof), (v), and (vi) of this section with regard to disapproval of applications or revocation of approved applications, evidence of nonhuman disposition, and the maintenance of books and record, applicable to prunes which fail to meet minimum standards, shall also apply to undersized prunes.

(2) *Documentation of disposition of undersized prunes*—(i) *Inspection and certification.* The handler shall cause an inspection to be made of each lot of undersized prunes prior to shipment or other disposition to determine whether such prunes meet the applicable requirements prescribed with respect to undersized prunes. After such determination, the handler shall cause a signed inspection certificate applicable to such prunes to be forwarded promptly to the Committee.

(ii) *Documentation of shipment or other disposition.* For each quantity of undersized prunes so shipped or otherwise disposed of, the handler shall promptly forward to the Committee one copy of the applicable bill of lading, truck receipt, or related documentation of disposition which shall show: (*a*) The name of the consignee; (*b*) the Committee approval number; (*c*) the destination by name and address of the person designated to receive the prunes; (*d*) the date of shipment or other disposition; (*e*) the inspection certificate number; (*f*) the net weight of the prunes; (*g*) the weight certificate number; and (*h*) identification of the prunes as undersized prunes.

(iii) *Certification of receipt.* The handler shall forward with each quantity of undersized prunes disposed of a certification form in triplicate, Form PAC 4.71 "User's Receipt of Dried Prunes for Nonhuman Usage" on which the handler shall have entered the following applicable information: (*a*) The inspection certificate number; (*b*) the Committee approval number; (*c*) the shipping or other disposition document number; (*d*) the name of the carrier; (*e*) the date of shipment or other disposition; and (*f*) the license or car number of each carrier unit, if applicable, used in the movement of the prunes to the destination of disposition or usage. The handler shall cause, either directly or through the vendee or consignee, the user of the prunes to certify on Form PAC 4.71 the receipt by him of the applicable prunes and to promptly forward the original thereof to the Committee. Such certification shall set forth the location where the prunes were received, the date of such receipt, the name and address of the person who will use or otherwise dispose of the prunes, and the signature and authority of the certificant to act for the user.

(iv) *Certification of usage.* The handler shall cause, either directly or through the vendee or consignee, the user of the prunes to certify, and forward to the Committee, one copy of Form PAC 4.71, following use or disposition thereof, that the prunes have been used or otherwise disposed of, the date and location at which use or other disposition took place, the name and address of the user, the signature and authority of the certificant to act for the user, and the date of his certification.

§ 993.173 [Amended]

8. Section 993.173(a)(4) is revised to read: "an itemized statement listing each lot of prunes in the delivery, showing the date received, receiving point, weight certificate or door receipt number, inspection certificate number, variety, crop year of production, and the net weight, if any, of prunes shown by the applicable incoming inspection certificate to be disposed of for nonhuman consumption in accordance with § 993.150(g);".

9. Section 993.173(b)(2) is revised to read: "the aggregate net weight of prunes, as shown by the applicable incoming inspection certificates, required to be disposed of for nonhuman consumption in accordance with § 993.150 (g);".

Dated: June 27, 1972.

ARTHUR E. BROWNE,
Acting Director,
Fruit and Vegetable Division.

[FR Doc.72-10074 Filed 6-30-72;8:50 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[49 CFR Part 574]

[Docket No. 70-12; Notice 14]

TIRE IDENTIFICATION AND RECORDKEEPING

Proposed Change in Method of Assigning Tire Size Code

Correction

In F.R. Doc. 72-9096 appearing at page 11979 of the issue for Friday, June 16, 1972, the symbol "DoT", which appears in lines 20 and 23 of § 574.5, should, in both places, read "DOT".

FEDERAL RESERVE SYSTEM

[12 CFR Parts 207, 220, 221]

[Reg. T]

SECURITIES CREDIT TRANSACTIONS

Same-Day Substitutions; Convertible "Hedge" Transactions; Correction

In the notice of proposed rule making published June 23, 1972 (37 F.R. 12409) in the introductory clause of § 220.8(g), the reference should be to subdivision (ii) and as corrected the clause reads as follows: "For purposes of the computation described in § 220.3(b)(1)(ii),".

Board of Governors of the Federal Reserve System, June 27, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-10041 Filed 6-30-72;8:46 am]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Cost of Living Council Ruling 1972-65]

SMALL BUSINESS EXEMPTION—DIRECTOR'S FEES

Cost of Living Council Ruling

Facts. X corporation has an average of more than 60 employees as determined under § 101.51(a)(3) of the Economic Stabilization Regulations, 6 CFR 101.51(a)(3) (1972). An individual A serves as a director and president of X. As a director, A is paid a specified amount for each board of directors meeting he attends. As president, A is paid a salary under the terms of an employment contract with X.

Issue. Whether the director's fee but not the salary paid to A is exempt from the Economic Stabilization Regulations?

Ruling. Yes. Price Commission Ruling 1972-133 and Pay Board Ruling 1972-25 indicate that the amount an individual receives from a corporation as compensation for services performed in his capacity as a director is considered a price for a service; whereas the amount received as compensation for services performed in his capacity as an employee (i.e. president) is considered a wage. 37 F.R. 800 (1972). Section 101.51 provides in part that the price and pay adjustments of any firm with an average of 60 or fewer employees are exempt from and not included in the coverage of the Economic Stabilization Regulations. A firm may be a person or corporation. Economic Stabilization Regulations, 6 CFR 101.2 (1972). Thus, the fees paid to a director for his services as a director are exempt under § 101.51 because the director is considered a firm which is charging a price for its services. On the other hand, the wages paid by a corporation to employees are not exempt unless the corporation has an average of less than 60 employees as determined under § 101.51(a)(3). In the present case, the director's fee paid to A is exempt, whereas the salary paid to A is not exempt.

This ruling has been approved by the General Counsel of the cost of Living Council.

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

Approved: June 23, 1972.

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

[FR Doc.72-10091 Filed 6-30-72;8:47 am]

[Cost of Living Council Ruling 1972-69]

STATE OWNED RESIDENTIAL PROPERTY WHICH IS LEASED AND SUBLEASED

Cost of Living Council Ruling

Facts. A State owns residential property which includes more than five rental units. This property is leased to a private person, who in turn subleases the property to individual tenants for residential purposes.

Issue. Are the sublease agreements between the lessee and tenants as well as the lease agreement between the State and lessee exempt from rent control under Economic Stabilization Regulations, 6 CFR 101.34(a)(2) (1972)?

Ruling. No. Section 101.34(a)(2) of the regulations specifically exempts price adjustments including rent adjustments by State governments. However, the exemption applies only to the price adjustments made by State or local governments. The exemption does not apply to the property itself. Thus, while rent adjustments by the State are exempt under § 101.34(a)(2), rent adjustments by the lessee with respect to his tenants are controlled by Part 301 of the Economic Stabilization Regulations.

This ruling has been approved by the General Counsel of the Cost of Living Council.

Dated: June 27, 1972.

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

Approved: June 27, 1972.

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

[FR Doc.72-10094 Filed 6-30-72;8:48 am]

[Price Commission Ruling 1972-190]

NEW CHARGE FOR PAR CHECKING

Price Commission Ruling

Facts. ABC State Bank currently redeems checks presented to it through clearing house operations at a discount of one-eighth of one percent. Thus, for every $1,000 in checks drawn on the Bank, it will pay $998.75. A statute recently passed by the legislature of State X requires all banks to redeem at par all checks drawn on themselves. In accordance with this statute, ABC State Bank proposes to redeem at par all checks drawn by its customers on the bank, but in order to offset the loss in revenue caused by this requirement, the Bank has proposed that a service charge be imposed on its customers who draw checks, at a rate which will result in lower revenues than were received under the previous system.

Issue. May the Bank institute the service charge as a charge for a "new service" within the Economic Stabilization Regulations, and if not, is the new service charge allowable under the regulations?

Ruling. The change in redemption practice is not sufficient to qualify as a "new service" but the new service charge is allowable under the Economic Stabilization Regulations.

Under the previous practice of the ABC State Bank, checking account customers were obligated to pay for the service of check redemption, although the charge may not always have been imposed upon them.

Therefore, a checking service with redemption at par is not substantially different from such a service with redemption at less than par in purpose, function, quality, or technology, nor does it effect a substantially different result. It is therefore not a "new service" under the regulations. Economic Stabilization Regulations 6 CFR 300.409 (1972).

Since the bank will be providing essentially the same service as it has been providing, and since the new service charge rates are below the rates charged under the existing system with redemption at less than par, the proposed service charge is not in excess of the base price, and thus is allowable under the Regulations. Economic Stabilization Regulations 6 CFR 300.14 (1972).

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

Dated: June 21, 1972.

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

Approved: June 21, 1972.

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

[FR Doc.72-10083 Filed 6-30-72;8:47 am]

[Price Commission Ruling 1972-191]

"TRANSACTIONS" OF STATUTORY TENANTS

Price Commission Ruling

Facts. A owns several housing units in city X which are subject to the rent control act of the city. The rent control act provides that if a tenant under a lease in effect as of a prior period wishes to retain possession of the premises, he may do so, provided that he pays the rent at the same rate and frequency as was required under the prior lease, that certain specified circumstances do not arise, and that the landlord does not secure a certificate of eviction upon

showing good cause. Under the act, a tenant residing under these provisions is a "statutory tenant." The act does not preclude the signing of a lease by such a tenant to alter or amend the terms of the "statutory tenancy" thus created.

Most of A's tenants continue to reside in apartments they had previously leased, as "statutory tenants," and pay their rent at the beginning of each month in accordance with the rent control act. The rents range from $75 to $100 per month.

Some of A's units have been vacated by their statutory tenants, and are thus no longer governed by the local rent control act. Of these units, two are currently occupied on a month-to-month basis by the new tenants, and three are under yearly leases.

One of A's statutory tenants entered into a written lease with A on August 1, 1971.

Issue. Which of the above events constitutes a "transaction" for purposes of the Economic Stabilization Regulations?

Ruling. Under the regulations initially issued, a "transaction" is deemed to occur at the time and place a binding contract is entered into between the parties to the transaction. Economic Stabilization Regulations, 6 CFR 300.513(b) (1971).

The current regulations governing rent provide that a "transaction" is considered to occur at the time and place a lease or covenant to lease is executed by the parties, is created by implication, or an implied contract of occupancy comes into being. Economic Stablization Regulations 6 CFR 301.2 (1971).

A's tenants who retain possession upon the expiration of a prior lease become "statutory tenants" under the local rent control act, and thus a contract implied in law comes into being. Therefore, a "transaction" has occurred at that time. Even though such tenants make periodic rental payments each month, a month-to-month tenancy has not thereby been created. Such payments are made under the terms of the implied contract, which comes into being only at the time the prior lease expires and the tenants holds over. Thus, no "transaction" occurs upon the monthly payment of rent by a statutory tenant.

Statutory tenants who execute leases with their landlord thereby enter into a binding contract, and thus enter into a "transaction" under either of the above definitions.

Tenants residing in decontrolled apartments on a month-to-month basis enter into a new "transaction" each month. See Price Commission Ruling 1972–54, 37 F.R. 3452 (Feb. 16, 1972).

Tenants residing in decontrolled apartments under yearly leases entered into a "transaction" upon the signing of the lease. See Price Commission Ruling 1972–54, 37 F.R. 3452 (Feb. 16, 1972).

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

Dated: June 21, 1972.

LEE H. HENKEL, Jr.,
Chief Counsel.

Approved: June 21, 1972.

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

[FR Doc.72–10084 Filed 6–30–72;8:47 am]

[Price Commission Ruling 1972–192; Cost of Living Council Ruling 1972–62]

DECREASE IN SERVICES—RENT INCREASE

Price Commission and Cost of Living Council Ruling

Facts. The landlord has previously furnished the tenant cable TV as part of the base rent. The service costs the landlord $1 per month. The cable TV company was recently awarded an increase to $3.95 per month by the state regulatory agency.

Issue. Does the landlord have the option to discontinue the cable TV service to the tenants?

Would notice of the reduction in the service be required by Economic Stabilization Regulation, 6 CFR 301.502 (1972)?

Ruling. Economic Stabilization Regulation 6 CFR 101.2 (1972), defines a price adjustment to be "an increase in unit price of property or services or a decrease in the quality of substantially the same property." A price as defined by Economic Stabilization Regulation, 6 CFR 301.2 (1972), includes rent. A decrease in service caused by the discontinuance of cable TV is a decrease in the quality of substantially the same property. Any decrease in service by a landlord is an increase in rent. The landlord has two options:

(A) Keep providing the service and include this increased cost as part of the allowable 2.5 percent limitation stated in Economic Stabilization Regulation, 6 CFR 301.102(a) (1972); or

(B) Discontinue the service and reduce the rent of the residences furnished with the service. The decrease in rent is $1 per month which is the cost of the service to the landlord.

As long as the tenant remains in a status-quo, i.e., no cable TV but lower rent, it can be said that rent has not been increased. If no rent increase, then there is no requirement of notification.

This ruling has been approved by the General Counsels of the Price Commission and the Cost of Living Council.

Dated: June 21, 1972.

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

Approved: June 21, 1972.

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

[FR Doc. 72–10085 Filed 6–30–72;8:47 am]

[Price Commission Ruling 1972–193]

ADDITIONAL MOTEL UNITS

Price Commission Ruling

Facts. X motel builds additional units on to existing units. As a result, its depreciation is increased. The additional units constructed provided the same accommodations previously offered to the public.

Issue. (a) Is the increase in the motel's depreciation an increase in allowable costs which would enable the motel to increase its room rates for its old units? Its new units?

(b) How would the base price for the new units be determined?

Ruling. (a) A motel leasing rooms to transient consumers is considered a service organization as defined in Economic Stabilization Regulation, 6 CFR 300.5 (1972). A service organization, as provided for in Economic Stabilization Regulation, 6 CFR 300.14(a) (1972), "may charge a price in excess of the base price only to reflect increases in allowable costs that it incurred since the past price increase in the item concerned . . . only to the extent that the increased price does not result in an increase in its profit margin over that which prevailed during the base period". Depreciation is a cost of doing business and thus considered an allowable cost by regulation § 300.5.

The "item concerned" is the renting of rooms. Therefore, any increase in costs must be allocated to all of the rooms whether new or old.

(b) The base price is determined by Economic Stabilization Regulation, 6 CFR 300.405 (1972). One looks to the freeze base period, as defined in regulation § 300.5, "to find the highest price specified by the seller in contracts with a specific class of purchasers in a substantial number of transactions".

The base price for the new units would not be determined by the "new property" section Economic Stabilization Regulation, 6 CFR 300.409 (1972). Since the motel has provided the same service in 1 year previous, it does not meet the definition in regulation § 300.409(a) of new property or service.

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

Dated: June 21, 1972.

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

Approved: June 21, 1972.

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

[FR Doc.72–10086 Filed 6–30–72;8:47 am]

[Price Commission Ruling 1972–194; Cost of Living Council Ruling 1972–63]

REHABILITATED DWELLING AS A STRUCTURE

Price Commission and Cost of Living Council Ruling

Facts. L purchased an apartment building containing 30 apartments. He

has begun to make capital improvements pursuant to a general plan to upgrade the housing provided by the building. The expenditures to implement the plan are being made in both the common areas of the building and in individual apartments as leases expire.

Issue. 1. Can individual apartments in this building qualify as "rehabilitated dwellings" and thus become exempt from the rent stabilization regulations in Part 301?

2. If not, at what point in time does the building qualify as a rehabilitated dwelling thus making all apartments in that building exempt?

Ruling. Individual apartments in this building cannot qualify one by one as "rehabilitated dwellings" and become exempt. A "rehabilitated dwelling" is a structure and not the individual residences in that structure. The term "dwelling" in 6 CFR 101.33(a)(2)(iii) (1972), which exempts "rehabilitated dwellings" from the coverage of the stabilization program, is used in the same way as that term is used in § 101.33 (a)(2)(iv) of the regulations. In both instances the term means a structure and not the residences it contains.

The building qualifies as a "rehabilitated dwelling" and all of the residences in that building become exempt at the point in time when the capital improvement expenditures made pursuant to the plan are sufficient to meet one of the tests set forth in § 101.33(a)(2)(iii) of the regulations. That is, such costs must exceed one-half of either the undepreciated cost of the dwelling or its fair market value preceding the inception of the plan. The undepreciated cost is the initial cost of the building and the cost of capital improvements made before institution of the plan. Cost of Living Council Ruling 1972–31, 37 F.R. 5763 (1972).

This ruling has been approved by the General Counsels of the Price Commission and Cost of Living Council.

Dated: June 21, 1972.

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

Approved: June 21, 1972.

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

[FR Doc.72–10087 Filed 6–30–72;8:47 am]

[Price Commission Ruling 1972–195]

INCREASE IN SERVICES—RENT DECREASE

Price Commission Ruling

Facts. Lessor L rents all apartments in his building on a month-to-month basis. Prior to February 1972 each tenant furnished his own heat. On February 1, 1972, L put a central heating unit into operation. Reasonably estimated fuel costs which L will incur during the 12 months following the installation of the unit to heat the apartments are $3,600 or $300 per month.

Issue. May L recover this fuel cost from his tenants by an additional monthly charge added to the rent?

Ruling. Yes. L may charge the tenants for the cost of the fuel because the monthly rent has been decreased by this amount when L assumed the liability for services previously paid for by the tenants. L may also increase rents for the central heating system capital improvement under 6 CFR 301.103 (1972).

A decrease in the quality of substantially the same property or services is a price increase, 6 CFR 101.2 (1972). The corollary of this proposition is that an increase in the quality of property or services is a price decrease. Rent is defined as, "(A)ny price for the use of a residence * * *" 6 CFR 301.3 (1972). Therefore, where a landlord shifts the burden to his tenants to pay for services he previously provided, a rent increase has occurred because a decrease in quality of the property has taken place. Price Commission Ruling 1972–192, 37 F.R. 13114 (1972), see 6 CFR 301.4(c) (1972). Similarly, if a landlord begins to pay for services previously paid for by his tenants a rent decrease has occurred.

The amount of the decrease is measured by the direct costs incurred by the landlord to provide the same services. In this case those costs are limited to the amount, which by reasonable estimate, will be paid for fuel to heat the apartments. The decrease in monthly rent for any apartment is its allocable portion of such total yearly fuel cost to the landlord, prorated equally to each month of the year, for the building. The allocable portion for any apartment is the equal monthly fuel cost to the landlord for the building times the ratio the monthly rent of that apartment bears to the total monthly rent charged or chargeable in the month prior to the completion of the central heating system for all apartments connected to the new system.

Because the rent of each apartment has been decreased by the amount calculated in the above paragraph, L may now add this amount to the rent of each apartment. Under this interpretation the direct cost of heat to the tenants may be less than before depending upon the efficiency of operating the central system and any quantity purchase price on the fuel which L might obtain.

L is also entitled to increase monthly rents for the costs of his capital improvement in accordance with 6 CFR 301.103 (1972). Unless the benefits are clearly distributed unequally, the costs of capital improvements are allocated equally to each residence which is benefited. Price Commission Ruling 1972–130, 37 F.R. 7719 (1972). Where the benefits are distributed unequally as in this case, the capital improvements costs should be allocated in accordance with those benefits. To accomplish this result here, the formula used for determining the rent decrease shall be used.

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

Dated: June 21, 1972.

LEE H. HENKEL, Jr.,
Chief Counsel.

Approved: June 21, 1972.

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

[FR Doc.72–10088 Filed 6–30–72;8:47 am]

[Price Commission Ruling 1972–196; Cost of Living Council Ruling 1972–64]

COMMODITY FUTURES TRANSACTIONS

Price Commission and Cost of Living Council Ruling

Facts. M is a nonexempt company engaged in the production of a product traded on an organized commodity exchange. The price of M's product is subject to Part 300 of Title 6 of the Code of Federal Regulations. Part of M's sales to its customers results from the delivery of its product under a futures contract on an organized commodity exchange. On the other hand, H is a third party who has contracted to deliver such a commodity under a futures contract but acquires the commodity from another party.

Issue. Is the price M or H receives from their customers for deliveries of the product under a futures contract exempt under the provisions of Economic Stabilization Regulations, 6 CFR 101.34(h)(4)(1972) which exempts commodity futures sold on an organized commodities exchange but not including the commodity (unless otherwise exempt)?

Ruling. The Cost of Living Council has interpreted the phrase "not including the commodity" to require that the price received by the producers from either a third party or the ultimate user of a commodity sold on an organized commodity exchange must be cost justified under Part 300 of Title 6 of the Code of Federal Regulations even though delivered under the terms of a future contract. Accordingly, the price M receives is not exempt and is subject to Price Commission Regulations.

However the price H receives for delivery to an ultimate consumer under terms of contract purchased on an organized commodity exchange is exempt.

This ruling has been approved by the General Counsel's office of the Price Commission and the Cost of Living Council.

Dated: June 23, 1972.

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

Approved: June 23, 1972.

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

[FR Doc.72–10089 Filed 6–30–72;8:47 am]

[Price Commission Ruling 1972-197]

INDEX PRICING

Price Commission Ruling

Facts. Company A is a mining company engaged in the process of extracting ore. A follows the system of index pricing which is the customary pricing practice industry wide. Under the system of index pricing the price charged to the refiner for the extracted ore varies in accordance with fluctuations in the selling price of the refined product, as published weekly in a trade journal. Presently, there is an excessive demand for the refined product. Its price and the corresponding increases in the published price index have risen steadily.

Issue. May A continue to increase its prices for the extracted ore in accordance with increases as reflected in the system of index pricing?

Ruling. No. An increase in price based upon a system of index pricing is not in accord with the Economic Stabilization Regulations. A is a "manufacturer", as defined in § 300.5, since it carries on the trade or business of making, fabricating, or assembling a product or commodity by manual labor or machinery for sale to another person. Economic Stabilization Regulations, 6 CFR 300.5 (1972). Base price is determined by Economic Stabilization Regulations, 6 CFR 300.405 (1972), and price increases beyond base price are controlled by Economic Stabilization Regulations, 6 CFR 300.12 (1972). Section 300.12 generally provides that a manufacturer may charge a price in excess of base price only to reflect increases in allowable costs. Thus, A may increase the price for extracted ore only to the extent such increase is cost justified.

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

Dated: June 23, 1972.

LEE H. HENKEL, Jr.,
Chief Counsel.

Approved: June 23, 1972.

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

[FR Doc.72-10090 Filed 6-30-72;8:47 am]

[Price Commission Ruling 1972-198; Cost of Living Council Ruling 1972-67]

RENTAL INCREASE WHERE PROPERTY IS DEVOTED TO MIXED USE

Price Commission and Cost of Living Council Ruling

Facts. Lessor L owns a three-story building which he leases to tenant A for $5,000 per month. A occupies the basement and first floor as a retailer, and subleases the second and third floors to sublessee B for $2,000 a month. B rents the 12 units contained on the second and third floors. L increases A's monthly rent 50 percent. At the time L increases rent, the 12 rental units on the second and third floors are occupied by nontransitory occupants. Base rent for each unit rented as a "residence" is $200 as determined under Subpart C, Part 301 of Title 6.

Issue. To what extent do the Economic Stabilization Regulations control L's rental increase?

Ruling. Coverage of the regulations is determined by the use to which the property is put. See Cost of Living Council Ruling 1972-36, 37 F.R. 6119 (1972).

Charges for the use of property are "prices," as defined in § 300.5. Economic Stabilization Regulations, 6 CFR 300.5 (1972). To the extent that units within the building leased by L are rented as "residences," as defined in § 301.2, a price increase for the use of the building is with respect to a transaction after December 28, 1971, involving a lease of or an implied contract of occupancy for a residence, and is controlled by 301.101. Economic Stabilization Regulations, 6 CFR 301.101 (1972).

A portion of the building leased by L is nonresidential property leased for commercial purposes. That part of the price increase for the use of the building attributable to nonresidential property leased for commercial purposes is exempt from the coverage of the regulations. Economic Stabilization Regulations, 6 CFR 101.33 (a)(2)(i) (1972).

Where rental property is devoted to mixed use, allocation shall be made to determine what part of the price increase for the use of the building is controlled by the regulations. See Cost of Living Council Ruling 1972-6, 37 F.R. 959 (1972). To determine what part of the price increase for the use of the building is controlled by the regulations, the following method shall be used: The increase in rent for the use of the building allocated to units within the building which are controlled by the regulations is in proportion to the total increase in rent for the use of the building as the total price charged to the immediate occupants of those units controlled by the regulations bears to the price charged for the use of the building immediately prior to the date the increase is to be effective.

L has increased A's monthly rent for the use of the building 50 percent, or $2,500 per month. The increase is controlled to the extent the increase is allocated by the formula to units controlled by the regulations. If X represents the total increase in rent for the use of the building allocated to units controlled by the regulations, then:

$$X = \$2{,}500 \text{ (total increase)} \times \frac{\text{Total price charged to the immediate occupants of the controlled units}}{\text{Price charged for the use of the building}}$$

The price charged to the immediate occupants of the controlled units is $2,400 (12 residential rental units at a charge of $200 per unit). The price charged for the use of the building is $5,000.

Thus,

$$X = 2{,}500 \times \frac{2400}{5000}$$

$X = \$1{,}200.$

With respect to those units leased as residences, § 301.101 provides that rent charged cannot exceed base rent, except as otherwise provided in Subpart B. For purposes of determining allowable adjustments where the lessor rents on a commercial (nonresidential) basis property which becomes in part devoted to residential use, base rent is the aggregate base rent for those residences as determined under Subpart C, Part 301. Thus, base rent for purposes of determining L's allowable increases is $2,400 (or 12 rental units multiplied by $200, base rent for each unit as computed under Subpart C), and the $1,200 increase attributable to units rented as residences is in violation of the regulations to the extent that it exceeds the sum of: (1) 2½ percent of base rent as provided in § 301.102(a)(1); (2) L's allowable cost increases under § 301.102 (a)(2) attributable to units leased as residences; and (3) increases authorized under § 301.103 for capital improvements made by L which are attributable to and benefit the units leased as residences.

This ruling has been approved by the General Counsels of the Cost of Living Council and Price Commission.

Dated: June 23, 1972.

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

Approved: June 23, 1972.

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

[FR Doc.72-10092 Filed 6-30-72;8:47 am]

[Price Commission Ruling 1972-199; Cost of Living Council Ruling 1972-68]

SMALL BUSINESS EXEMPTION FOR PUBLIC UTILITIES

Price Commission and Cost of Living Council Ruling

Facts. A public utility, as defined in § 300.16(a), which is in existence on December 31, 1971, has an average of less than 60 employees, as determined under § 101.51(a)(3).

Issue. Does the public utility qualify for an exemption from all price and wage controls under § 101.51?

Ruling. Yes. Unless it falls within one or more of the categories designated in subparagraph (2) of § 101.51(a), the public utility, as defined in § 300.16(a), is a firm which qualifies for an exemption from all price and wage controls under § 101.51(a). Economic Stabilization Regulations, 6 CFR 101.51 (1972).

This ruling has been approved by the General Counsels of the Price Commission and Cost of Living Council.

Dated: June 23, 1972.

LEE H. HENKEL, Jr.,
Chief Counsel.

Approved: June 23, 1972.

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

[FR Doc.72-10093 Filed 6-30-72;8:48 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

JUNE 26, 1972.

Notice of a Forest Service, U.S. Department of Agriculture application, Colorado 15142, for withdrawal and reservation of lands for a portion of the Rivers End Campground, was published as F.R. Doc. 72-4500, on page 6122 of the issue for Friday, March 24, 1972. The applicant agency has canceled its application insofar as it affects the following described lands:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 14 S., R. 82 W.
Sec. 5, NE¼SE¼SW¼.

The area described aggregates 10 acres.

Therefore, pursuant to the regulations contained in 43 CFR Part 2091.2(b)(1), such lands are hereby relieved of the segregative effect of the above-mentioned application. The lands remain withdrawn by the Bureau of Reclamation from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, for the Uncompahgre Valley Project, Colo. by order of the Secretary of the Interior dated June 30, 1904.

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

[FR Doc.72-10070 Filed 6-30-72;8:49 am]

DEPARTMENT OF AGRICULTURE

Forest Service

TRANSFER OF NATIONAL FOREST LANDS TO MESCALERO APACHE TRIBE

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Transfer of National Forest Lands to the Mescalero Apache Tribe, USDA-FS-FES (Adm) 72-14.

The environmental statement concerns a proposed transfer of lands in the Lincoln National Forest to the Mescalero Apache Tribe.

This final environmental statement was filed with CEQ on June 21, 1972.

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

USDA, Forest Service, South Agriculture Building, Room 3230, 12th Street and Independence Avenue SW., Washington, DC 20250.

USDA, Forest Service, Southwestern Region, 517 Gold Avenue SW., Albuquerque, NM 87101.

A limited number of single copies are available upon request to Mr. William D. Hurst, Regional Forester, U.S. Forest Service, 517 Gold Avenue SW., Albuquerque, NM 87101.

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

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

THOMAS C. NELSON,
Deputy Chief, Forest Service.

JUNE 27, 1972.

[FR Doc.72-10076 Filed 6-30-72;8:50 am]

DEPARTMENT OF COMMERCE

Office of Import Programs

BLUEFIELD 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. 72-00044-20-37450. Applicant: Bluefield State College, Bluefield, W. Va. 24701. Article: Glass sided tilting flume and accessories. Manufacturer: Armfield Engineering Ltd., United Kingdom. Intended use of article: The article will be used in teaching and research studies of typical open channel experiments such as Weir sluice experiments; studies of syphon spillway and design; and studies of critical depth and wave trains.

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 a glass sided tilting flume providing accessories such as a turbine flowmeter, instrument carries, Vernier level gauge, venturi plate, adjustable undershot weir, and a rectangular weir plate. We are advised by the National Bureau of Standards in its memorandum dated May 31, 1972, that the glass tilting flume with the accessories described above is pertinent to the applicant's intended educational uses. NBS also advises that it knows of no domestically manufactured instruments which are 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.72-10055 Filed 6-30-72;8:48 am]

BOSTON UNIVERSITY SCHOOL OF MEDICINE ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 72-00581-33-46040. Applicant: Boston University School of Medicine, Business Office, 80 East Concord Street, Boston, MA 02118. Article: Electron Microscope, Model EM 300. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be

used in determining ultrastructural details of keratohyalin granules, membrane-coating granules (MCG), and the thickened envelope of horny cells of the epidermis by application of electron microscopy techniques. Another research project involves the study of the ultrastructure of pathologic epidermis and sebaceous glands which involves processing of skin biopsies by routine methods used in electron microscopy. The article will also be used in the training program in electron microscopy for students, residents and other interested people of the university. Application received by Commissioner of Customs: May 22, 1972.

Docket No. 72-00590-33-46040. Applicant: Harvard University, Purchasing Department, 75 Mount Auburn Street, Cambridge, MA 02138. Article: Electron Microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used for structural studies of cellular membranes at the molecular level, and structural analysis of isolated gap junctions from mammalian liver. Correlated X-ray diffraction and electron microscope studies are also planned with nerve myelin. The article will also be used in training graduate students and postdoctoral fellows in the methods of electron microscopy in addition to some training in other aspects of cell biology. Application received by Commissioner of Customs: May 30, 1972.

Docket No. 72-00591-33-46040. Applicant: Veterans Administration Hospital, Leestown Road Division, Lexington, Ky. 40507. Article: Electron Microscope, Model EM 300S. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used to study the structure of materials of biological origin in the form of (1) "negatively-stained" components of cells and macromolecules and (2) ultrathin sections of experimentally treated tissues. The three dimensional organization of the myofilaments in vertebrate smooth muscle cells from the gizzards of chickens and taenia coli of guinea pigs will be determined from serially sectioned cells of the principal user. The pattern of organization of the myofilaments will be determined for the relaxed and contracted states of the muscle in order to provide a structural basis for the phenomena of shortening and force-generation in smoothe muscle. These studies will be complemented with various experimental treatments to gain qualitative information about the materials observed with the article. Application received by the Commissioner of Customs: May 30, 1972.

Docket No. 72-00593-33-46040. Applicant: Columbia University College of Physicians and Surgeons, 630 West 168th Street, New York, NY 10032. Article: Electron Microscope, Model EM 300. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article will be used for high resolution studies of: (1) purified human complement components and their interaction with immunoglobulins and appropriately sensitized membranes; (2) nucleic acids and their interaction with both synthetic and naturally occurring antinucleic acid antibodies labeled with horse radish peroxidase; (3) *Bordetella pertussis* and its cell wall components and supernatant culture products which have biologic properties. Besides these diverse materials pathological tissues such as human thyroid and synovial cell cultures will also be examined for viral particles and immunochemical antibody staining. Application received by Commissioner of Customs: May 31, 1972.

Docket No. 72-00594-33-46040. Applicant: Albert Einstein College of Medicine, 1300 Morris Park Avenue, Bronx, NY 10461. Article: Electron Microscope, Model EM 300. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for combined cytochemistry and electron microscopy studies of the interrelations of cell "organelles" of liver (rat, human), small intestines (guinea pig, human, rat, etc.) liver cancers (Novikoff hepatoma, Morris hepatomas) and other tissues. The intracellular organelles which will be the chief objects in these studies are: (1) the endoplasmic reticulum (ER), (2) the Golgi apparatus, (3) a structure named GERL by the applicant, (4) lysosomes, and (5) microperexisomes. Application received by Commissioner of Customs: May 31, 1972.

Docket No. 72-00595-33-81595. Applicant: University of Cincinnati, Department of Environmental Health, Kettering Laboratory, 3223 Eden Avenue, Cincinnati, OH 45219. Article: Two (2) Wright Dust Feed Mechanisms. Manufacturer: L. Adams, Ltd., United Kingdom. Intended use of article: The articles will be used to generate a cloud of very fine particles of coal dust at a constant concentration for six or more continuous hours per day in experiments designed to study the effect and fate of inhaled coal dust in order to establish safe working conditions for coal workers. Application received by Commissioner of Customs: May 31, 1972.

Docket No. 72-00596-33-46500. Applicant: Eastern Connecticut State College, Biology Department, High Street, Willimantic, Conn. 06226. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in various research projects which include the following:

1. An investigation of the stem cell of animal blood to determine, at the ultrastructural level, when such cells differentiate to leucocyte types,
2. In-depth series of studies of fish ultrastructure,
3. An investigation on the cause of a recent fish kill near a nuclear generating plant along the Connecticut River,
4. An ultrastructural cytochemical study of the enzymes of Mycoplasma,
5. A study of the pollen of various species of tomato to determine whether morphological differences can be detected at the ultrastructural level, particularly in the area of the cell wall, and
6. A study of the nerve endings in the adrenal medulla to determine how these nerve endings are constructed and whether they are structurally similar to pre-synaptic knobs.

The article will also be used as a training tool for undergraduate students, graduate students, and technologists in teaching electron microscopy technicians. Application received by Commissioner of Customs: May 31, 1972.

Docket No. 72-00597-33-46500. Applicant: Harvard University, Purchasing Department, 75 Mount Auburn Street, Cambridge, MA 02138. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in obtaining serial thin sections of single Golgi-impregnated retinal cells for examination with electron microscopy in order to reveal their synaptic input. Application received by Commissioner of Customs: May 31, 1972.

Docket No. 72-00598-33-46500. Applicant: Mississippi State University, Department of Entomology, Drawer EM, State College, Miss. 39762. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in various biological studies of animal and plant tissues as well as in the course MIC 8424—Biological Application of Electron Microscopy. The course will involve introduction of electron microscopy training in techniques of specimen preparation, application of electron microscopy and interpretation of results. Application received by Commissioner of Customs: May 31, 1972.

Docket No. 72-00599-33-46595. Applicant: Environmental Protection Agency, Research Division, 12709 Twinbrook Parkway, Room 40-B, Rockville, Md. 20852. Article: Pyramitome, Model LKB 11800. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in studies of organs and bones of irradiated animals to determine the amount of damage related to the amount of radioactivity, possible preventatives and/or cures. Application received by Commissioner of Customs: May 31, 1972.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-10056 Filed 6-30-72;8:48 am]

BROOKHAVEN 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. 72–00305–33–90000. Applicant: Brookhaven National Laboratory, Associated Universities, Inc., Upton, Long Island, N.Y. 11973. Article: Rotating anode X-ray generator GX–6. Manufacturer: Elliott Automation Radar Systems, Ltd., United Kingdom. Intended use of article: The article is intended to be used to provide a uniquely intense, small source of X-rays. This source, in conjunction with special cameras, will be used to obtain X-ray photographs of bacteriophages and other macromolecular structures. The structural information to be derived from these photographs should advance the understanding of the basic mechanisms of virus assembly and thereby eventually contribute to the control of disease of viral origin.

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 focused spot of minimal size and a rotating target for maximum X-ray power. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated June 2, 1972, that both of the characteristics described above are pertinent to the applicant's research studies. HEW further advises that it knows of no comparable domestic instrument that provides both of the pertinent characteristics 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.72–10057 Filed 6–30–72;8:48 am]

GEORGE WASHINGTON UNIVERSITY MEDICAL SCHOOL

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. 72–00276–33–46040. Applicant: George Washington University Medical School, 1335 H Street NW., Washington, DC. Article: Electron microscope, Model AEI 801. Manufacturer: AEI Scientific Apparatus, Ltd., United Kingdom. Intended use of article: The article is intended to be used to examine the thickness of the full cortex of the central nervous system of new born hamsters and rats. Other studies include observing the morphology of the synaptic junctions and the changes that might take place in the associated membranes and vesicles after nonionizing radiation; and mithochondrial cristae in the heart and liver.

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 equipped with a tilt stage having a guaranteed resolving power of 5 angstroms. The most closely comparable domestic instrument is the Model EMU–4C electron microscope manufactured by Forgflo Corp. (Forgflo). The Model EMU–4C can be equipped with a tilt stage but the guaranteed resolving power of this stage is 8 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving power.) We are advised by the Department of Health, Education, and Welfare in its memorandum dated June 2, 1972, that the guaranteed resolving power of the tilt stage of the foreign article is pertinent to the applicant's research studies. We, therefore, find that the Model EMU–4C electron microscope 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 the purposes for which such article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72–10059 Filed 6–30–72;8:48 am]

RESEARCH FOUNDATION OF STATE UNIVERSITY OF NEW YORK 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 § 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. 72–00243–33–46500. Applicant: Research Foundation of State University of New York, Downstate Medical Center-Pathology Department, 450 Clarkson Avenue, Brooklyn, N.Y. 11203. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for experimental medical research by the Department of Pathology for the following purposes:

1. Experiments designed to determine morphologic changes induced in animals by administration of a variety of agents.
2. Study of the mechanisms of control of embryonic differentiation.
3. Study of ionic localization of calcium to organelles of blood platelets.
4. Study of the molecular changes of myosin and its component parts during stages of muscle contraction relative to gaining experimental evidence in support of a modification of the sliding filament theory of contraction.
5. Study of ionic localization as related to insulin secretion from isolated islets of langerhans in the pancreas of mice and rabbits.
6. Study of the inhibitory effects of aspariginase on ascites tumor cells in mice.
7. Study of human biopsy tissue obtained from surgery.
8. Study of morphologic changes in experimentally induced cancer in mouse lung.

Application received by Commissioner of Customs: November 22, 1971. Advice submitted by Department of Health, Education, and Welfare on: May 12, 1972.

Docket No. 72–00244–33–46500. Applicant: Stanford University, 820 Quarry Road, Palo Alto, CA 94304. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to investigate the ultrastructural features of malignant tissues and human tumor cell cultures in order to improve methods for tumor cell characterization studies and the determination of virus particles in human tumor cell populations. Application received by Commissioner of Customs: November 22, 1971. Advice submitted by Department of Health, Education, and Welfare on: May 12, 1972.

Docket No. 72–00317–33–46500. Applicant: American Foundation for Biological Research, Cryobiology Research Institute, R.F.D. 5, Madison, Wis. 53704. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to study the gross and fine structures of

frozen tissues with reference to the method of freezing employed and the nature of subsequent thermal treatment. The article will also be used to demonstrate the process of frozen sectioning to graduate students both on a formal and informal basis. Application received by Commissioner of Customs: January 13, 1972. Advice submitted by Department of Health, Education, and Welfare on: June 9, 1972.

Docket No. 72-00318-33-46500. Applicant: Duke University Medical School, Box 2926, Durham, NC 27710. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to cut ultrathin sections of tissues in studies of the ultrastructure or ultrastructural pathology of normal or tumor tissues. Application received by Commissioner of Customs: January 13, 1972. Advice submitted by Department of Health, Education, and Welfare on: June 9, 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.72-10061 Filed 6-30-72;8:49 am]

TUFTS UNIVERSITY 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. 72-00281-33-46040. Applicant: Tufts University School of Medicine, Department of Dermatology, New England Medical Center Hospitals, Boston Dispensary, 185 Harrison Avenue, Boston, MA 02111. Article: Electron microscope, Model JEM 100B. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the studies of pemphigus vulgaris and related diseases as well as for the investigation of skin cancers. Application received by Commissioner of Customs: December 10, 1971. Advice submitted by Department of Health, Education, and Welfare on June 2, 1972.

Docket No. 72-00289-01-46040. Applicant: The Johns Hopkins University, Charles and 34th Streets, Baltimore, Md. 21218. Article: Electron microscope, JEM 100B. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for electron microscopic studies which include the following:

(1) Formation of tropocollagen molecules from their constituent gelatin chains.

(2) Morphological abnormalities found in some histidine regulatory mutants of *Salmonella typhimurium*.

(3) Localization of Drosophila alcohol dehydrogenase activity in cells of the fat body.

(4) Appearance of alcohol dehydrogenase activity in the cells of the developing imaginal discs.

(5) Localization by appropriate electron microscope biochemistry of B-hydroxybutyrate dehydrogenase activity in the fat body.

Application received by Commissioner of Customs: December 20, 1971. Advice submitted by Department of Health, Education, and Welfare on: June 2, 1972.

Docket No. 72-00246-91-46040. Applicant: University of Washington, Quarternary Research Center, Seattle, Wash. 98195. Article: Electron microscope, JEM 100B. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of Article: The article is intended for morphological and developmental studies of micro-organisms, organs (including pollen), and microfossils. The article will also be utilized for the training of graduate students (including technically oriented students) to provide an indispensible tool in studying ultrastructural development of pollen and other organelles.

Application received by Commissioner of Customs: November 22, 1971. Advice submitted by Department of Health, Education, and Welfare on: May 12, 1972.

Comments: No comments have been received in regard to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States.

Reasons: Each foreign article has a specified resolving capability of 3 angstroms. The most closely comparable domestic instrument is the Model EMU-4C electron microscope which is manufactured by the Forgflo Corp. (Forgflo). The Model EMU-4C has a specified resolving capability of five angstroms. (Resolving capability bears an inverse relationship to its numerical rating in angstrom units, i.e., the lower the rating, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in the respectively cited memoranda, that the additional resolving capability of the foreign articles is pertinent to the purposes for which each of the foreign articles to which the foregoing applications relate is intended to be used. We, therefore, find that the Forgflo Model EMU-4C is not of equivalent scientific value to any of the 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.72-10062 Filed 6-30-72;8:49 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. 72-00406-00-07500. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, IL 60439. Article: Closed bomb reaction calorimeter assembly. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is an accessory to a Reaction and Solution Calorimetric System being used in a program to determine the heats of formation of those compounds which are of interest in nuclear and high-temperature technology. Examples of such compounds are $NaVO_3$, Na_2VO_4, CS_2VO_4, CS_2O, TH^{+4} (aq), UI_3 and UI_4.

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 application relates to a compatible accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used and is pertinent to the applicant's purposes.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-10058 Filed 6-30-72;8:48 am]

UNIVERSITY OF MASSACHUSETTS MEDICAL SCHOOL 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. 72-00248-33-46040. Applicant: University of Massachusetts Medical School, 419 Belmont Street, Worcester, MA 01604. Article: Electron microscope, Model EM 300. Manufacturer: Philips NVD, Electronic Instruments, The Netherlands. Intended use of article: The article will be used in the Department of Pathology for diagnostic studies of human material by second year medical students and research studies at the tissue, cellular, and macromolecular level of experimental animal tissues, involving in vivo and in vitro uptake of metals by cells and tissues taken from normal and from experimentally diseased animals.

Application received by Commissioner of Customs: November 23, 1971. Advice submitted by Department of Health, Education, and Welfare on: May 12, 1972.

Docket No. 72-00309-33-46040. Applicant: University of Colorado, Department of Molecular, Cellular and Developmental Biology, Biosciences 126, Boulder, Colo. 80302. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used in the examination of biological specimens, namely (a) whole cells, grown in tissue culture, (b) sections of intact tissues of a wide variety, (c) sections of algae cells, (d) whole and sectioned chromosomes, (e) strands of DNA isolated from chromosomes and (f) isolated myofibrils in studies of cell and tissue fine structure. Application received by Commissioner of Customs: January 11, 1972. Advice submitted by Department of Health, Education, and Welfare on: June 9, 1972.

Docket No. 72-00321-33-46040. Applicant: Sloan-Kettering Institute for Cancer Research, 410 East 68th Street, New York, NY 10021. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, NVD., The Netherlands. Intended use of article: The article is intended to be used to examine biological materials in a detailed study of the nucleocapsids of animal viruses and an integrated study of virus-infected cells correlating morphological events with physical, chemical, and biochemical changes occurring within those cells. Application received by Commissioner of Customs: January 18, 1972. Advice submitted by Department of Health, Education, and Welfare on: June 9, 1972.

Docket No. 72-00299-33-46040. Applicant: Barrow Neurological Institute of St. Joseph's Hospital and Medical Center, 350 West Thomas Road, Phoenix, AZ 85013. Article: Electron microscope, EM 300. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used in the continuation of (1) vascular leakage studies, (2) morphological investigation of radio frequency lesions, (3) systematic ultrastructural study of brain tumors as well as selected brain biopsies, (4) viral studies of the central nervous system, and (5) enzyme localization. Application received by Commissioner of Customs: December 30, 1971. Advice submitted by Department of Health, Education, and Welfare on: June 2, 1972.

Docket No. 72-00302-33-46040. Applicant: College of Medicine and Dentistry of New Jersey, 100 Bergen Street, Newark, NJ 07103. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used in extensions of ongoing studies of (1) mitochondrial structure and function, (2) mechanisms of mitochondrial enlargement and division, (3) bacterial structure and (4) membrane structure and function. Application received by Commissioner of Customs: December 30, 1971. Advice submitted by Department of Health, Education, and Welfare on: June 2, 1972.

Docket No. 72-00303-33-46040. Applicant: The University of Connecticut, Storrs, Conn. 06268. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, NVD., The Netherlands. Intended use of article: The article is intended to be used in experiments to determine the ultrastructure and intracellular localization of biological substances in the cells, tissues, and organisms being studied. These materials include unicellular algae, cell walls, endocrine glands, receptor organs, oviducts, electric organs synapses, cell membranes, plant viruses, bacterial viruses, developing bones and other materials. In addition the article will be used in teaching a graduate course in biological electron microscopy. Application received by Commissioner of Customs: January 6, 1972. Advice submitted by Department of Health, Education, and Welfare on: June 2, 1972.

Comments: No comments have been received in regard to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States.

Reasons: Each foreign article has a specified resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU–4C electron microscope which is manufactured by the Forgflo Corp. (Forgflo). The Model EMU–4C has a specified resolving capability of 5 angstroms. (Resolving capability bears an inverse relationship to its numerical rating in angstrom units, i.e., the lower the rating, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in the respectively cited memoranda, that the additional resolving capability of the foreign articles is pertinent to the purposes for which each of the foreign articles to which the foregoing applications relate is intended to be used. We, therefore, find that the Forgflo Model EMU–4C is not of equivalent scientific value to any of the 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.72–10060 Filed 6–30–72;8:48 am]

UNIVERSITY OF PITTSBURGH SCHOOL OF MEDICINE ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles; Correction

The notice of application for Duty-Free Entry of Scientific Articles appearing at page 5069 in the FEDERAL REGISTER of Thursday, March 9, 1972, Docket No. 72–00309–33–46040 should be corrected to read as follows: Article: Electron microscope, JEM 100B. Manufacturer: Japan Electron Optics Laboratory, Ltd., Japan, Intended use of article: The article is intended to be used in the examination of biological specimens, namely (a) whole cells, grown in tissue culture, (b) sections of intact tissues of a wide variety, (c) sections of algae cells, (d) whole and sectioned chromosomes, (e) strands of DNA isolated from chromosomes and (f) isolated myofibrils in studies of cell and tissue fine structure. Application received by Commissioner of Customs: January 11, 1972.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72–10054 Filed 6–30–72;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. 72–00277–00–46040. Applicant: Veterans Administration Hospital, Iowa City, Iowa 52240. Article: Spare parts for Elmiskop 101 electron microscope. Manufacturer: Siemens AG, West Germany. Intended use of article: The articles are intended to be used as replacements parts of an electron microscope being used for fine structure studies of various cells. The two ongoing projects are thrombosis research and a study of axonal dystrophy resulting from vitamin E deficiency in rats.

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 application relates to compatible components for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used and is pertinent to the applicant's purposes.

The Department of Commerce knows of no similar components being manufactured in the United States, which are interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72–10063 Filed 6–30–72;8:49 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50–368]

ARKANSAS POWER & LIGHT CO.

Notice and Order for Hearing on Reception of Evidence

Take notice, the hearings for the reception of evidence on radiological safety and health matters in connection with the applicant's request for a construction permit for nuclear powerplant Unit 2, will commence on July 25, 1972, at 2 p.m., local time, Pope County Courthouse, Russellville, Ark. 72801. The hearing will continue uninterrupted, if necessary, through the close of business of July 28, 1972.

Hearing sessions regarding the environmental impact of construction and operation of the aforesaid nuclear Unit 2 will be scheduled subsequent to the publication of the regulatory staff's final environmental statement, presently scheduled to be completed on or about October 1, 1972. Notice of hearing on environmental matters will be published in the FEDERAL REGISTER.

During the opening session of the hearing on radiological and safety matters (July 25, 1972), those requesting to make limited appearances will be permitted to make oral, or file written, statements of their position on the issues.

Issued at Washington, D.C., this 26th day of June 1972.

By order of the Atomic Safety and Licensing Board.

JEROME GARFINKEL,
Chairman.

[FR Doc.72–10033 Filed 6–30–72;8:45 am]

[Docket No. 50–367]

NORTHERN INDIANA PUBLIC SERVICE CO.

Notice and Order for Prehearing Conference

Take notice, that pursuant to § 2.718 of the rules of practice of the Atomic Energy Commission, a prehearing conference will be held in the subject proceeding on August 9, 1972, at 10 a.m., local time, Second Floor Courtroom, U.S. District Court, U.S. Courthouse and Federal Building, 507 State Street, Hammond, IN 46325.

The prehearing conference will deal with the following matters:

1. The present status of discovery in this proceeding;
2. Setting the hearing dates for the reception of evidence on radiological safety and health matters, excluding environmental matters;
3. Estimated time needed for the presentation of each party's case;
4. The number of expert witnesses intended to be called, and the nature of their testimony;
5. The appropriateness of trial briefs in this proceeding;
6. Procedures, including rules of evidence, to be followed in the presentation of evidence at the actual evidentiary hearing;
7. Establishing a time frame for submission of the final environmental statement by the regulatory staff; and
8. Such other matters as may aid in the orderly disposition of the instant proceeding, including compliance with the Atomic Safety and Licensing Board's order of May 15, 1972, for further specificity of certain contentions.

Issued at Washington, D.C., this 26th day of June 1972.

By order of the Atomic Safety and Licensing Board.

JEROME GARFINKEL,
Chairman.

[FR Doc.72–10034 Filed 6–30–72;8:45 am]

[Docket No. 50-346]

TOLEDO EDISON CO. AND CLEVELAND ELECTRIC ILLUMINATING CO.

Notice and Order for Evidentiary Hearing

In the matter of Toledo Edison Co. and the Cleveland Electric Illuminating Co. (Davis-Besse Nuclear Power Station).

In accordance with the memorandum and order of the Atomic Energy Commission, dated June 29, 1972, further hearings in the subject proceeding shall commence on July 7, 1972, at 10 a.m., local time, and shall continue until the hearings are completed. The hearings shall be held in the Holiday Inn—Airport, 16501 Brookpark Road, Brookpark, OH 44142.

Pursuant to said Commission's memorandum and order, the Evidentiary Hearing shall be limited to the considerations specified in its memorandum and order of June 5, 1972.

It is so ordered.

Issued at Washington, D.C., this 29th day of June, 1972.

By the Atomic Safety and Licensing Board.

JEROME GARFINKEL,
Chairman.

[FR Doc.72-10222 Filed 6-30-72;8:54 am]

[Docket No. 50-208]

TRUSTEES OF COLUMBIA UNIVERSITY IN CITY OF NEW YORK

Extension of Completion Date

The trustees of Columbia University in the city of New York having filed a request dated May 12, 1972, for extension of the latest completion date specified in Construction Permit No. CPRR-78, in order to permit the completion of pending proceedings concerning the issuance of an operating license; and

Good cause having been shown for extension of said date pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and § 50.55 of the Commission's regulations:

It is hereby ordered, That the latest completion date for Construction Permit No. CPRR-78 is extended from June 30, 1972 to December 31, 1972.

Date of issuance: June 16, 1972.

For the Atomic Energy Commission.

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

[FR Doc.72-10035 Filed 6-30-72;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN COLOMBIA

Entry or Withdrawal From Warehouse for Consumption

JUNE 28, 1972.

On June 25, 1971, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a new comprehensive bilateral cotton textile agreement with the Government of Colombia concerning exports of cotton textiles and cotton textile products from Colombia to the United States over a 4-year period beginning on July 1, 1971 and extending through June 30, 1975. Among the provisions of the agreement are those establishing an aggregate limit for the 64 Categories; within the aggregate limit, group limits on Categories 1–4, 5–27, and 28–64; and within both of the aforesaid limits, specific limits on Categories 5, 6, 9/10, 16, 19, 22/23, 26, and 27 for the second agreement year beginning on July 1, 1972.

There is published below a letter of June 28, 1972 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in Categories 1 through 27, produced or manufactured in Colombia, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning July 1, 1972, and extending through June 30, 1973, be limited to the designated levels. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

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

JUNE 28, 1972.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of June 25, 1971, between the Governments of the United States and Colombia, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective July 1, 1972 and for the twelve-month period extending through June 30, 1973, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1 through 27 produced or manufactured in Colombia, in excess of the levels of restraint set forth below.

The combined level of restraint for Categories 1 through 4 shall be 4,040,217 pounds.

The combined level of restraint for Categories 5 through 27 shall be 22,365,000 square yards.

Within the overall level of restraint for Categories 5 through 27, the following specific levels of restraint shall apply:

Category		12-month levels of restraint
5	square yards	1,823,259
6	do	364,652
9/10	do	4,765,163
16	do	1,093,956
19	do	1,215,506
22/23	do	7,980,000
26 (excluding duck fabric) [1]	do	3,840,375
26 (duck fabric only) [2]	do	607,753
27	do	694,260

[1] Excluding T.S.U.S.A. Nos.:
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

[2] Including only those T.S.U.S.A. Nos. excluded by footnote 1.

In carrying out this directive, entries of cotton textiles and cotton textile products in the above categories, produced or manufactured in Colombia, which have been exported to the United States prior to July 1, 1972, shall, to the extent of any unfilled balances be charged against the levels of restraint established for such goods for the 12-month period beginning July 1, 1971, and extending through June 30, 1972. In the event that the levels of restraint established for that 12-month period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of June 25, 1971, between the Governments of the United States and Colombia which provide in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above will be made to you by letter.

The bilateral agreement of June 25, 1971, also provides an overall limit on Categories 28 through 64. Import controls on these Categories at an overall level of 1,050,000 square yards equivalent may be established during the current agreement year. In such an event, you will be advised in a further letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on April 29, 1972 (37 F.R. 8802).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Colombia and with respect to imports of cotton textiles and cotton textile products from Colombia have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions to 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,

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources.

[FR Doc.72-10132 Filed 6-30-72;8:53 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Availability

Environmental impact statements received by the Council on Environmental Quality June 12 to June 16, 1972.

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.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Final, June 15

Witchweed Cooperative Program, North Carolina-South Carolina. The statement considers the proposed ground spraying of 125,000 acres with the herbicides 2,4-D and paraquat, in order to control witchweed. Nontarget plants may be adversely affected. (22 pages) Comments made by: EPA. (ELR Order No. 04711) (NTIS Order No. EIS 72 4711F)

FOREST SERVICE

Draft, June 8

Umpqua National Forest, Oreg., counties: Jackson, Douglas, and Lane. The statement refers to the 10-Year Timber Management Plan for the forest. The plan would involve construction of roads, the cutting of timber, and the reseeding of cut stands in the 975,425-acre forest. Soil disturbance, stream sedimentation, and adverse visual impact will result. Sections of the forest are presently being considered for designation as wilderness areas. (25 pages) (ELR Order No. 04673) (NTIS Order No. EIS 72 4673D)

Final, June 7

Siuslaw National Forest, Oreg. The action proposed would involve the use of the herbicide 2,4-D, 2,4,5-T, Amitrole-T, Atrazine, Picloram, and Dicamba in aerial spraying of the forest. The purposes of the project are those of control of specific types of vegetation, reforestation, forest plantation management, road, and range maintenance. Nontarget plants will be susceptible to the chemicals; their effects upon birds and insects native to the forest are not fully known; the chemicals will reach local water systems. (75 pages). Comments made by: USDA, DOC, EPA, and DOI. (ELR Order No. 04650) (NTIS Order No. EIS 72 4560F)

Final, June 12

Poverty Creek, Jefferson National Forest, Va., county: Montgomery. The statement refers to the proposed master plan for the forest which would include the construction of educational and recreational facilities and the cutting of timber. Water quality may be adversely affected by the action. (13 pages). Comments made by: HEW. (ELR Order No. 04689) (NTIS Order No. EIS 72 4689F)

CONSERVATION SERVICE

Final, June 16

Coushatta, La., county: Red River. The statement refers to the proposed construction of 7.6 miles of channel works on the Red River, for the purpose of flood control. Approximately 25 acres of land, which serves as habitat for deer, duck, rabbit, quail, and other wildlife, will be lost. (21 pages). Comments made by: USDA, COE, EPA, HEW, DOI, and DOT. (ELR Order No. 04718) (NTIS Order No. EIS 72 4718F)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202—967-4335.

Final, June 14

Santa Rosa, Calif., county: Sonoma. The statement refers to the proposed construction of water and sewer systems which would serve the Hewlett Packard Co. industrial site and residential and commercial areas at Fountain Grove and North Fulton Ranch. The project will result in more concentrated land use. (66 pages) (ELR Order No. 04705) (NTIS Order No. EIS 72 4705F)

DEPARTMENT OF DEFENSE

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 14

Ririe Dam and Lake, Idaho, counties: Bonneville and Bingham. The statement refers to the proposed construction of Ririe Dam Lake, on Willow Creek. The project, which is for purposes of flood control, is 26 percent complete. A 251-foot high rockfill dam is being constructed; along with a 7.8-mile-long floodway channel. Approximately 6,815 acres, of which 1,560 will be inundated, are required for the project; 12 miles of natural stream will also be inundated; much of the area involved is farm land and wildlife habitat. (97 pages) (ELR Order No. 04710) (NTIS Order No. EIS 72 4710D)

Draft, June 8

Fall Creek Basin, Ind., counties: Marion, Hancock, and Madison. The statement refers to the proposed construction of a 2,700-foot long, 80-foot high rolled earth dam and its resulting reservoir. The purposes of the action are flood control, water supply, and recreation. Approximately 15,250 acres will be required by the project, 6,790 acres of it being inundated; much of the area is agricultural and wooded land. Twenty-one miles of free-flowing stream will be eliminated, being converted to lenitic habitat. The community of Luxhaven, with an unspecified number of residences and businesses, will be obliterated. (67 pages) (ELR Order No. 04675) (NTIS Order No. EIS 72 4675D)

Draft, June 16

Camp Ground Lake Project, Kentucky, counties: Washington, Nelson, and Anderson. The statement refers to the proposed construction of a dam and reservoir on Salt River, 49 miles upstream from Beech Fork. The purposes of the project are flood control, water supply and control, fish and wildlife enhancement, and recreation. Approximately 18,550 acres will be required for the project; of those 5,070 acres, along with 50 miles of free-flowing stream, will be inundated. An unspecified number of residences will be displaced. (66 pages) (ELR Order No. 04724) (NTIS Order No. EIS 72 4724D)

Draft, June 9

Libby Regulating Dam, Mont. The statement refers to the proposed construction of a reregulating dam on the Kootenai River, along with a four-unit, 36,000 kw. hydroelectric power station. A 1,000-foot long access road will also be part of the project. The plant will require construction of transmission lines; an unspecified amount of land will be committed to the project. (52 pages) (ELR Order No. 04688) (NTIS Order No. EIS 72 4688D)

Final, June 17

Rouge River, Mich., county: Wayne. The proposed project involves the construction of 4.2 miles of channel works on river, for the purpose of flood control. The natural river bottom will be replaced by concrete pavement, and an existing greenbelt area, marshes and woodland will be eliminated with the wildlife habitat and biological productivity of the site being reduced significantly. (190 pages) Comments made by: DOC, HEW, and DOI. (ELR Order No. 04662) (NTIS Order No. EIS 72 4662F)

Final, June 16

Smithville Lake, Little Platte River Project, Missouri, counties: Clay and Clinton. The statement refers to the proposed construction of an 85-foot high, 4,000-foot long rolled earth dam and its resulting reservoir on the Little Platte River. Purposes of the project include flood control, water supply and quality control, and recreational opportunities. Approximately 12,180 acres of wooded and agricultural lands will be inundated, along with an unspecified number of residences and length of stream. (42 pages) Comments made by: USDA, EPA, and DOI. (ELR Order No. 04723) (NTIS Order No. EIS 72 4723F)

Final, June 7

Lost Creek Lake, Rogue River, Oreg., county: Jackson. The statement refers to a multipurpose dam and reservoir project. The dam will be 327 feet high and 3,550 feet long, of rock-fill construction. A two-unit hydroelectric powerhouse will have a total capacity of 49,000 kw. the project will inundate 3,438 acres and 11 miles of stream, much of it wooded wildlife habitat. Thirty-eight families will be displaced; utilities will be dislocated. (194 pages) Comments made by: USDA, DOC, EPA, DOI, and DOT. (ELR Order No. 04666) (NTIS Order No. EIS 72 4666F)

NAVY

Contact: Mr. Joseph A. Grimes, Jr., Special Civilian Assistant to the Secretary of the Navy, Washington, D.C. 20350, 202—697–0892.

Draft, June 13

Fort McArthur, Calif., county: Los Angeles. The statement refers to the proposed construction of 700 units of Navy family housing on Department of Defense land in San Pedro and Point Vincente. Also considered is the consolidation at Lower Reservation of U.S. Army facilities presently at Upper Reservation. Costs of the project are estimated at $7.8 million. Children in the new housing will exceed the present capacity of local school systems. (55 pages) (ELR Order No. 04692) (NTIS Order No. EIS 72 4792D)

FEDERAL POWER COMMISSION

Contact: Mr. Frederick H. Warren, Advisor on Environmental Quality, 441 G Street NW., Washington, DC 20426, 202—386–6084.

Draft, June 8

El Dorado Project, California, counties: Amador, Alpine, and El Dorado. The statement refers to the proposed licensing of the project in California for a capacity of 20,000 kw. No new construction is proposed. The project consists of four reservoirs, with capacity of 37,400 acre-feet, five dams, 12 auxiliary dams, two diversion dams, and 24.3 miles of canals. The project does have an erosion problem within the canal system, and a system of drains during low flow periods to maintain the large trout fisheries while still maintaining capacity for recreation, power, and irrigation. (28 pages) (ELR Order No. 04672) (NTIS Order No. EIS 72 4672D)

Draft, June 16

Nianqua Hydro Project No. 2561, Missouri, county: Camden. The proposed action is the approval of an application by Sho-Me Power Corp. for a license to operate the project. It consists of an 878-foot long dam, a 360-acre lake, and a hydroelectric powerhouse with two 1,500 kw. units, and appurtenant facilities. No significant adverse impact is mentioned in the statement. (15 pages) (ELR Order No. 04719) (NTIS Order No. EIS 72 4719D)

Draft, June 6

Project No. 1913, New Hampshire, county: Merrimack. The statement refers to the proposed approval of an application by the Public Service Corp. of New Hampshire for its Project No. 1913 the Hooksett Project. The dam, 405-acre reservoir, and 1,600 kw. hydroelectric powerplant are located on the Merrimack River. No significant adverse environmental impact is mentioned in the statement. (23 pages) (ELR Order No. 04628) (NTIS Order No. EIS 72 4628D)

Project No. 1893, New Hampshire, counties: Merrimack and Hillsborough. The statement refers to the proposed relicensing of Project 1893 (Amoskeag), a 16,000 kw. hydroelectric powerplant in the city of Manchester. No adverse impact is discussed in the text. (20 pages) (ELR Order No. 04633) (NTIS Order No. EIS 72 4633D)

Saluda River Project No. 516, South Carolina, counties: Several. The statement refers to an application by the South Carolina Electric and Gas Co. for permission to grant easements on lands of the project, for the construction of causeways, a bridge, and a pipe for the discharge of treated domestic waste effluent. The facilities would serve a proposed planned community on five offshore islands. Temporary water turbidity will damage marine ecosystems. (54 pages) (ELR Order No. 04630) (NTIS Order No. EIS 72 4630D)

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.

Final, June 15

Trinity River, Tex., county: Dallas. The statement refers to the proposed acquisition of 2,113 acres of undeveloped floodplain land within the levees of the Trinity River in the city of Dallas. The land would be developed for park and recreation purposes. Construction of roads, tennis courts, parking lots, etc., will remove vegetative cover. (54 pages) Comments made by: USDA, COE, DOC, EPA, FPC, HEW, and DOT. (ELR Order No. 04715) (NTIS Order No. EIS 72 4715F)

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, June 8

1976 Winter Olympic Games. The statement refers to the 1976 Olympics, to be held in Denver. The proposed action involves congressional authorization of appropriations to the Secretary of the Interior for use in financing part of the games. Five sports complexes would be partially financed. The statement refers to the project in general; individual statements will be filed if further administrative action is taken. Possible impact includes the disturbance and damage of the land and water systems; increased growth and the need for increased public facilities and related land-resource use changes. (93 pages) (ELR Order No. 04676) (NTIS Order No. EIS 72 4676D)

BUREAU OF RECLAMATION

Draft, June 14

Long Draw Dam, Colo., county: Larimer. The proposed project involves the raising of an existing dam on La Poudre Pass Creek from 60 feet to 83.4 feet in order to increase storage capacity 4,400 feet to 11,000 acre-feet. The Grand River Ditch would also be lined as part of the project, the purpose of which is to increase water available for irrigation. One-half mile of La Pourde Pass Creek and 106 acres of wildlife habitat will be lost to the action. (46 pages) (ELR Order No. 04699) (NTIS Order No. EIS 72 4699D)

Final, June 14

Tehama-Colusa Canal, Calif., counties: Tehama, Colusa, and Glenn. The statement refers to the proposed construction of a 122-mile-long irrigation canal to serve a 244,500-acre agricultural area in the three counties. Water will be diverted from the Sacramento River to the canal, which will cross several major streams, through the use of siphon structures. The canal will require 5,000 acres of right-of-way, eliminate natural habitat along its route, and pass through the historic Kanawha townsite. Land use changes will be of considerable impact. (53 pages) Comments made by: USDA, COE, EPA, and DOT. (ELR Order No. 04700) (NTIS Order No. EIS 72 4700F)

BUREAU OF SPORTS FISHERIES AND WILDLIFE

Draft, June 16

Warm Springs Indian Reservation, Oreg., county: Wasco. The statement refers to the proposed construction and operation of a fish hatchery for the propagation of Chinook salmon, steelhead and rainbow trout. Waste water and construction silt will affect the Warm Springs River. (51 pages) (ELR Order No. 04725) (NTIS Order No. EIS 72 4725D)

NATIONAL PARK SERVICE

Draft, June 16

Agricultural Hall of Fame, National Cultural Park, Kans. The proposal would establish a park to commemorate the evolution of agriculture in the United States, and its significant contributors. The site would be that of an existing privately operated hall of fame in Kansas City. Approximately 150 acres would be acquired for the project. (13 pages) (ELR Order No. 04726) (NTIS Order No. EIS 72 4726D)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 Seventh Street SW., Washington, D.C. 20590, 202—426–4355.

FEDERAL AVIATION AGENCY

Draft, June 1

Mountain Home Municipal Airport, Idaho. The action involved is the proposed construction of a 5,000' x 75' runway. The project will require the acquisition of 44.2 acres. No adverse impact is discussed in the statement. (15 pages) (ELR Order No. 04618) (NTIS Order No. EIS 72 4618D)

Draft, June 8

Monroe Municipal Airport, La., county: Ouachita. The statement refers to the proposed construction of improvements to the Monroe Municipal Airport, including the acquiring of 120 acres of undeveloped and vacant land for the extension of the runway and taxiways, to construct new aprons, and install new lights. This work is being done to accommodate the new version of the DC–9 (DC–9–31) series of aircraft expected to be using the airport. (21 pages) (ELR Order No. 04670) (NTIS Order No. EIS 72 4670D)

Draft, June 1

Lubbock Regional Airport, Tex. The action involves the extension of an existing runway by 150' x 3,000', the relocation of lighting, etc. Approximately 340 acres will be acquired for the project; no significant adverse environmental impact is discussed in the statement. (26 pages) (ELR Order No. 04617) (NTIS Order No. EIS 72 4617D)

FEDERAL HIGHWAY ADMINISTRATION

Draft, June 8

American Samoa, Tutuila Island. The statement is concerned with the proposed construction of 3.37 miles of two-lane roadway, on the north side of the island between Afono and Masefu. There is presently no means of vehicular access to the villages. The project will require an unspecified amount of agricultural land for right-of-way; several individual graves will be relocated, noise and air pollution will be introduced where they do not presently exist. (40 pages) (ELR Order No. 04679) (NTIS Order No. EIS 72 4679D)

Draft, June 6

International Airport Road (FAS Route 545), Alaska. The statement refers to the proposed construction of 1.5 miles of four-lane urban roadway, with a bridge across Campbell Creek. An unspecified amount of land will be committed to the project; land use will change as the area will be developed for commercial and light industrial sites. (21 pages) (ELR Order No. 04634) (NTIS Order No. EIS 72 4634D)

State Road 206, Florida, county: St. John's. The proposed project involves the construction of a two-lane draw span bridge over the Matanzas River in the city of Crescent Beach. The structure will replace an existing span which is considered to be unsafe. Total length, including approaches, is 1 mile. Vertical clearance will be 9 feet with the bridge in its closed position. An unspecified amount of marsh will be lost to the project. (86 pages) (ELR Order No. 04632) (NTIS Order No. EIS 72 4632D)

Draft, June 12

Route 19 (Hawaii Belt Road), Hawaii. The proposed project involves the construction of 1.014 miles of two-lane roadway. An unspecified amount of agricultural land will be committed to the action. (31 pages) (ELR Order No. 04690) (NTIS Order No. EIS 72 4690D)

Draft, June 6

Illinois Route 23, Illinois, county: La Salle. The statement refers to the proposed construction of a new bridge on four-lane I.R. 23, over the Illinois River. Total length of the project is 0.63 mile. One private yacht club, a home for elderly women, and five to 12 residences will be displaced. (22 pages) (ELR Order No. 01046) (NTIS Order No. EIS 72 4631D)

Draft, June 2

I–70–U.S. 40, Vandalia Interchange, Illinois, county: Fayette. The proposed action would reconstruct a total of 5.7 miles of roadway at the intersections of I–70, U.S. 40 and Randolph Street. Approximately 85 acres will be required for right-of-way. (20 pages) (ELR Order No. 04610) (NTIS Order No. EIS 72 4610D)

Draft, June 6

Interstate 15–3 Montana, counties: Jefferson and Silver Bow. The proposed action is the construction of approximately 26 miles of four-lane highway between Butte and Boulder. Of concern is the impact of exposed terrain cuts and the channelization of portions of Bison Creek and Boulder River. An unspecified amount of acreage will be required for right-of-way. (296 pages) (ELR Order No. 04626) (NTIS Order No. EIS 72 4626D)

U.S. 6 Nebraska, county: Lancaster. The statement refers to the proposed reconstruction of an intersection in urban Lincoln. Two residences would be displaced by the action. (12 pages) (ELR Order No. 03674) (NTIS Order No. EIS 72 4674D)

Mount Horeb Bypass, Wis., county: Dane. The statement refers to the corridor location of the bypass, which would begin at Highway 78 and proceed easterly to a junction of Highways 18 and 151. Two streams would be crossed by the four-lane facility, and approximately 200 acres would be taken for right-of-way. (13 pages) (ELR Order No. 04629) (NTIS Order No. EIS 72 4629D)

I–57, Wisconsin, county: Several. The statement refers to the proposed construction of approximately 83 miles of four-lane freeway, from Green Bay to Milwaukee. The statement does not discuss specific routes, and the number of displacements is therefore not specified. Most land needed for right-of-way is of an agricultural nature: replacement housing is limited; the effects of land use change will be significant. (478 pages) (ELR Order No. 04686) (NTIS Order No. EIS 72 4686D)

Final, June 6

Alabama 134 and 92, Alabama, county: Coffee, Dale, and Houston. The project involves the proposed reconstruction of 13.28 miles of four-lane highway from Enterprise to Wicksburg Wye. Approximately 360 acres will be required for right-of-way; 45 families and six businesses will be displaced. (61 pages). Comments made by: EPA, COE, HUD, DOI, HEW, and DOD. (ELR Order No. 04637) (NTIS Order No. EIS 72 4637F)

Final, June 9

U.S. 17 (S.R. 35), Florida, county: Charlotte. The proposed project involves the reconstruction of 3.2 miles of highway, from two to four lanes. An unspecified amount of land and number of residencies will be required for right-of-way (51 pages) Comments made by: USDA, EPA, DOI, and HEW. (ELR Order No. 04682) (NTIS Order No. EIS 72 4682F)

State Road 415, Florida, counties: Seminole and Volusia. The statement proposes the construction of a new two-lane bridge across the St. John's River on S.R. 415. Total project length is 1.6 miles. The number of residences to be displaced depends upon the route chosen. An unspecified amount of marsh will be taken by the project, with a resulting impact upon local water systems. (105 pages) Comments made by: COE, USDA, EPA, and DOI. (ELR Order No. 04685) (NTIS Order No. EIS 72 4685F)

Final, June 6

FA Route 412, Illinois, counties: Several. The statement refers to the proposed selection of a corridor for a freeway between Bloomington and Rockford. The facility will be approximately 125 miles in length. Several major rivers and streams would be crossed, and approximately 4,595 acres of agricultural land would be lost to the right-of-way. The number of displacements is not specified. (183 pages) Comments made by: USDA, COE, HEW, HUD, DOI, EPA, and USCG. (ELR Order No. 04640) (NTIS Order No. EIS 72 4640F)

Illinois Route 76 Bypass, Illinois, county: Boone. The statement refers to the proposed designation of a corridor for the 5.5 mile two-lane bypass. An unspecified amount of land and number of residences would be required for right-of-way for construction. (97 pages) Comments made by: USDA, EPA, DOC, HEW, HUD, DOI, and DOT. (ELR Order No. 04645) (NTIS Order No. EIS 72 4645F)

Final, June 7

Kentucky 80, Kentucky, County: Pike. The project involves the construction of 16.7 miles of four-lane highway, from Shelbiana to Elkhorn City, including bridges and culverts at stream crossings. Approximately 100 acres, some of it wildlife habitat, will be lost to the action. Displacements will number 366 families, 52 businesses, and two nonprofit organizations. (67 pages) Comments made by: COE, EPA, HUD, DOI, and DOT. (ELR Order No. 04653) (NTIS Order No. EIS 72 4653F)

Kentucky 15 Bypass, Kentucky, county: Perry. The proposed project is a four-lane 2.24-mile bypass of the city of Hazard. Displacements from the action will number 37 residences and two businesses. An unspecified amount of land will be required for right-of-way. (33 pages) Comments made by: EPA, HEW, HUD, DOI, and DOT. (ELR Order No. 04654) (NTIS Order No. EIS 72 4654F)

Kentucky 100, Kentucky, county: Simpson. The statement refers to the proposed construction of 3.04 miles of four-lane highway between Main Street and I–65 in the city of Franklin. An unspecified amount of land and number of residences will be committed to the action. An established neighborhood will be disrupted, and a change in land use, from residential to commercial, is therefore expected. (30 pages) Comments made by: USDA, EPA, HUD, DOI, and DOT. (ELR Order No. 04655) (NTIS Order No. EIS 72 4655F)

Kentucky 80, Kentucky, county: Pulaski. The statement refers to the proposed reconstruction of 3.7 miles of two-lane roadway. Seven residences will be displaced by the action; several farms will be severed; 130 acres will be taken for right-of-way. (48 pages) Comments made by: USDA, COE, EPA, HEW, HUD, DOI, and DOT. (ELR Order No. 04657) (NTIS Order No. EIS 72 4657F)

Final, June 6

FAS 297 (County Road 531), Michigan, county: Gogebic. The proposed project would relocate and reconstruct FAS 2 from its junction with FAS 1043 to FAS 295. A bridge would be constructed across the Cisco-Lindsley Lakes channel. Approximately 34.6 acres of wooded land will be taken for right-of-way, disrupting shoreline recreation. Of concern is the extent to which local poor-drainage quality soils will erode. (59 pages) Comments made by: USDA, DOC, COE, EPA, DOI, and DOT. (ELR Order No. 04638) (NTIS Order No. EIS 72 4638F)

Final, June 7

Route 65, Missouri, county: Greene. The project involves construction of 12.5 miles of two-lane highway between Route AF and I–44. Approximately 400 acres of land will be taken for right-of-way. Displacements will number 20 families and two businesses. (25 pages) Comments made by: USDA, EPA, DOI, and DOT. (ELR Order No. 04656) (NTIS Order No. EIS 72 4656F)

Final, June 6

La Salle, Erie Highland, and Rainbow Boulevard Arterial, New York, county: Niagara. This statement refers to the proposed construction of the La Salle, Erie Highland and Rainbow Boulevard arterials for the downtown section of the city of Niagara Falls, N.Y.; 80 percent of the highway right-of-way is on lands already designated for transportation. A shift in and noise pollution is expected, but on the whole decreasing. One historic building is being destroyed. The displacement will be 104 residents, 25–50 commercial structures, and 79–132 dwelling units depending on the alternative chosen. (148 pages) Comments made by: USDA, DOI, EPA, and DOT. (ELR Order No. 04636) (NTIS Order No. EIS 72 4636F)

Legislative Route 10041, Pennsylvania, county: Butler. The statement refers to the proposed construction of a replacement bridge on LR 10041 over Little Connoquessing Creek in Jackson Township. Construction of the two-lane facility will result in erosion of the creek banks. (62 pages) Comments made by: EPA and DOT. (ELR Order No. 04635) (NTIS Order No. EIS 72 4635F)

Final, June 9

Golden Strip Freeway, South Carolina, county: Greenville. The statement refers to the proposed construction of 6 miles of multilane freeway, from the I–85—I–385 interchange to U.S. between Maudlin and Simpsonville. Twelve residences will be displaced by the action. An unspecified amount of land will be taken for right-of-way. (38 pages) Comments made by: COE, EPA, HUD, and DOI. (ELR Order No. 04684) (NTIS Order No. EIS 72 4684F)

U.S. 175, Texas, county: Kaufman. The statement refers to the proposed construction of 20.7 miles of four-lane highway, 5.9 miles of it on new location. Ten families and six businesses will be displaced by the action; an unspecified amount of land will be taken; 28 acres of lake will be filled in for use as right-of-way, with a resulting adverse impact upon local water systems. (45 pages) Comments made by: USDA, COE, EPA, and DOT. (ELR Order No. 04683) (NTIS Order No. EIS 72 4683F)

Draft, June 8

American Samoa, Tutuila Island. The statement refers to the proposed construction of 2.88 miles of roadway between the villages of Vatia and Alfono, on the north of Tutuila Island. There is presently no vehicular access to the two villages. The project will introduce noise and air pollution where it presently does not exist. Two or three fales (dwelling units) and an unspecified number of graves will require relocation because of the action; family ties being exceptionally strong on Samoa, this aspect of social impact will be of significance. (ELR Order No. 04678) (NTIS Order No. EIS 72 4678D)

BRIAN P. JENNY,
Acting General Counsel.

[FR Doc.72–9988 Filed 6–30–72;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

CIBA-GEIGY CORP.

Notice of Withdrawal of Petition for Food Additive

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

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Ciba-Geigy Corp., Ardsley, N.Y. 10502, has withdrawn its petition (FAP 1H2632), notice of which was published in the FEDERAL REGISTER of May 6, 1971 (36 F.R. 8464), proposing establishment of a food additive tolerance (21 CFR Part 121) of 0.5 part per million in sugarcane molasses for residues of the herbicide 2-(*sec*-butylamino)-4-ethylamino-6-methoxy-*s*-triazine resulting from application of the herbicide to the growing sugarcane.

Dated: June 26, 1972.

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

[FR Doc.72–10078 Filed 6–30–72;8:50 am]

FEDERAL COMMUNICATIONS COMMISSION

CABLE TELEVISION ADVISORY GROUP

Notice and Date of Open Meeting

JUNE 28, 1972.

The Steering Committee of the Cable Television Federal-State-Local Advisory Committee will hold an open meeting July 10, 1972, 10 a.m., Room 847S at the FCC, 1919 M Street NW., Washington, DC.

The agenda of the meeting will include assignment of applicants to subcommittee membership, selection of issues for further study by the Steering Committee and selection of future meeting dates.

The Committee was organized, following adoption of new cable TV rules, to aid in resolving key issues concerned with governmental relationships, such as franchising procedures, service, interconnection and rates to subscribers.

Chairman Dean Burch is chairman of the advisory committee and Cable TV Bureau Chief Sol Schildhause vice-chairman. The group's first organizational meeting was held in Chicago on May 15, 1972.

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

[FR Doc.72–10101 Filed 6–30–72;8:48 am]

FEDERAL MARITIME COMMISSION

CITY OF LONG BEACH AND NATIONAL MOLASSES CO.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Leonard Putnam, City Attorney, City of Long Beach, Suite 600, City Hall, Long Beach, Calif. 90802.

Agreement No. T–2647, between the Board of Harbor Commissioners of the City of Long Beach (City) and National Molasses Company (NMC), provides for (1) the 20-year lease of a tank farm at Long Beach to NMC; (2) the 20-year license to NMC to construct and maintain a pipeline connecting the tank farm with Berths 5, 6, and 210 at the Port of Long Beach; and (3) the secondary assigment of Berths 209 and 210 to NMC. The premises are to be used for the handling of bulk liquid commodities and purposes incidental thereto. Rental for the facility is set forth in detail in the agreement. In addition to such rental, however, the City is to receive all wharfage, dockage, and other tariff charges applicable to cargo moving across the City's wharves under the City's Tariff No. 3. All other rates and charges by NMC will accrue to NMC and along with its regulations and practices, will be subject to the City's approval.

Dated: June 28, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72–10121 Filed 6–30–72;8:52 am]

CONTINENTAL NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Elliott B. Nixon, Esq., Burlington Underwood & Lord, 25 Broadway, New York, NY 10004.

Agreement No. 8210–18, among the member lines of the above-named conference, adds provisions to paragraph 2.d which define in greater detail the types of payments and/or gifts to outside parties which are prohibited by the agreement.

Dated: June 28, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72–10122 Filed 6–30–72;8:52 am]

INTERNATIONAL PASSENGER SHIP ASSOCIATION

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. R. M. L. Duffy, Secretary General, International Passenger Ship Association, Suite 631, 17 Battery Place, New York, NY 10004.

Agreement No. 9856–1 filed by the International Passenger Ship Association, deletes paragraph D of Article 3 concerned with conditions of membership which requires the deposit of an irrevocable letter of credit for $25,000 or other such instrument of equal security, which will no longer be required, and deletes reference thereto in the paragraphs of the basic agreement dealing with qualifying for readmission and with self-policing.

Dated: June 28, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72–10124 Filed 6–30–72;8:52 am]

TRANS-PACIFIC PASSENGER CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Ronald C. Lord, General Manager, Trans-Pacific Passenger Conference, 311 California Street, San Francisco, CA 94104.

Agreement No. 131–255, filed by the Trans-Pacific Passenger Conference, modifies Rule E–3, paragraph A, concerned with establishing the amount of and the payment of annual travel agency fees by every appointed travel agent and every applicant for Conference appointment.

Dated: June 28, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72–10125 Filed 6–30–72;8:52 am]

VICTORIA STEAMSHIP CO., LTD., AND HAPAG-LLOYD, A.G.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed for approval by:

Cornelius S. Van Rees, Esq., Thacher, Proffitt, Prizer, Crawley & Wood, 40 Wall Street, New York, NY 10005.

Agreement No. 9858 is a cooperative working arrangement between Victoria

Steamship Co., Ltd., and Hapag-Lloyd, A.G., to consolidate their services and establish a cost-saving program while maintaining their respective corporate identities; to form a jointly owned corporation to be named Universal Cruise Centre, Inc., which shall have as its purpose, including but not limited to the power, to engage in each and every activity, business, and service for or concerning tourists by land, sea or air including sales and reservations on behalf of each of the parties; to share office space; to study integration of their accounting systems, joint purchasing, combined advertising and promotion programs, coordinating sailing dates and other activity lending itself to reducing costs of operation. The agreement further provides for, but is not limited to, the allocation of sales and other expenses, monthly service charges, and the preparation of budgets; apportionment with respect to new business; liquidated damages in the event of withdrawal of a party; and arbitration of any disputes.

The duration of the agreement is three (3) years.

Dated: June 28, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-10123 Filed 6-30-72;8:52 am]

DEN NORSKE AMERIKALINJE A/S

Revocation of Certificates of Financial Responsibility

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.

Den Norske Amerikalinje A/S, c/o Norwegian America Line, 29 Broadway, New York, NY 10006.

Whereas, Den Norske Amerikalinje A/S (Norwegian America Line) has ceased to operate the passenger vessel Bergensfjord.

It is ordered, That certificate (performance) No. P-19 and certificate (casualty) No. C-1,026 covering the Bergensfjord 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.72-10126 Filed 6-30-72;8:52 am]

FEDERAL POWER COMMISSION

[Docket No. CS72-877, etc.]

MRS. LUDA R. DAVIES ET AL.

Notice of Applications for "Small Producer" Certificates [1]

JUNE 23, 1972.

Take notice that each of the applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 20, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Date filed	Name of applicant
CS72-877...	3-10-72	Mrs. Luda R. Davies, Elmer D. Davies, Jr., and Ed R. Davies, Public Square, Franklin, Tenn. 37064.
CS72-1020..	4-18-72	Herndon Drilling Co., Box 489, Tulsa, OK 74101.
CS72-1138..	6- 1-72	Black Bear Oil & Gas Corp., Post Office Box 4094, Midland, TX 79701.
CS72-1139..	6- 2-72	Vincent S. Mulford, Jr., 602 National Bank of Tulsa Bldg., Tulsa, Okla. 74103.
CS72-1140..	6- 2-72	George W. Strake, A.K.A. George W. Strake, Jr., 3300 Gulf Bldg., Houston, Tex. 77002.
CS72-1141..	6- 1-72	American Minerals Management, Inc., 450 Kennecott Bldg., Salt Lake City, Utah 84111.
CS72-1142..	6- 2-72	Charles J. Richard, 1329 First National Center, Oklahoma City, Okla. 73102.
CS72-1143..	6- 2-72	Martin B. Klenda, Route 4, Marion, KS 66861.
CS72-1144..	6- 5-72	C.E. Whipp, Post Office Box 3204, Lafayette, LA 70501.
CS72-1145..	6- 5-72	Nuclear Exploration & Development Co., Drawer EE, Lander, WY 82520.
CS72-1146..	6- 5-72	Orion Gas Systems, Inc., Post Office Box 432, Tulsa, OK 74101.
CS72-1147..	6- 6-72	Natural Gas Electronics Corp., 8630 Broadway, Suite A-106, San Antonio, TX 78217.
CS72-1148..	6- 7-72	Mrs. Myrtle Naff, 6003 Arden Ave., Shreveport, LA 71106.
CS72-1149..	6- 7-72	M. R. McArthur, 840 Beck Bldg., Shreveport, La. 71101.
CS72-1150..	6- 7-72	Benjamin Bloom, 25 Briar Hollow Lane, Houston, TX 77027.
CS72-1151..	6- 7-72	J. D. Sparks, Post Office Box 2867, Monroe, LA 71201.
CS72-1152..	6- 7-72	Willie R. Sanders, 803 Whittington St., Bossier City, LA 71010.
CS72-1153..	6- 7-72	Dr. Mannie D. Paine, c/o Hibernia National Bank, New Orleans, LA 70112.
CS72-1154..	6- 7-72	James H. Kepper, Jr., 515 Hibernia Bldg., New Orleans, LA 70112.
CS72-1155..	6- 7-72	Stewart J. Kepper, 515 Hibernia Bldg., New Orleans, La. 70112.
CS72-1156..	6- 2-72	Harry Schuster, 950 National Foundation Life Bldg., Oklahoma City, Okla. 73112.
CS72-1157..	6- 8-72	Wynn Oil Co., 1525 Republic Bank Bldg., Dallas, Tex. 75201.
CS72-1158..	6- 8-72	Rex D. Rowland, 1300 V and J Tower, Midland, Tex. 79701.
CS72-1159..	6- 8-72	Cockburn Oil Corp., 2100 First City National Bank Bldg., Houston, Tex. 77002.
CS72-1160..	6- 9-72	Calto Oil Co., Post Office Box 12266, Dallas, TX 75225.
CS72-1161..	6- 9-72	E. B. Germany & Sons, Post Office Box 12266, Dallas, TX 75225.
CS72-1162..	6- 9-72	W. H. Black and Dan P. Black, Post Office Box 174, Midland, TX 79701.
CS72-1163..	6- 5-72	Southwestern Exploration, Inc., 508 First Federal Bldg., Fort Smith, Ark. 72901.
CS72-1164..	6- 9-72	Rocanville Corp., 620 Mercantile Securities Bldg., Dallas, Tex. 75201.
CS72-1165..	6- 9-72	Sue Reeder Turner Trust, 1700 Mercantile Bank Bldg., Dallas, Tex. 75201.
CS72-1166..	6- 9-72	Flournoy Drilling Co., doing business as Flournoy Production Co., Post Office Box 491, Alice, TX 78332.
CS72-1167..	6-12-72	Arkansas Western Production Co., 1606 First National Center, Oklahoma City, Okla. 73102.
CS72-1168..	6-12-72	Matagorda Oil Co., Post Office Box 2558, Houston, TX 77001.
CS72-1169..	6-12-72	Bobby Joe Manziel, Post Office Box 3005, Station A, Tyler, TX 75701.

Docket No.	Date filed	Name of applicant
CS72-1170..	6- 9-72	Continental Energy Corp., 309 Meadows Bldg., Dallas, Tex. 75206.
CS72-1171..	6- 7-72	R. B. Spencer, et al., Post Office Box 1466, Jackson, MS 39205.
CS72-1172..	6-12-72	John A. Egan (Operator), et al., 1332 East 27th Place, Tulsa, OK 74114.
CS72-1173..	6-12-72	Home-Stake Production Co., Philtower Bldg., 10th Floor, Tulsa, Okla. 74103.
CS72-1174..	6-14-72	Louis A. Chase and Marion Grossman, 710 North Trenton Dr., Beverly Hills, CA 90210.
CS72-1175..	6-14-72	Jacqulyn M. Williams, 1100 South Pickard, Norman, OK 73069.
CS72-1176..	6-12-72	Warren B. Pinney, Jr., 211 North Ervay Bldg., Dallas, Tex. 75201.
CS72-1177..	6-15-72	Glover Gas Co., No. 1 Baltonna Dr., Olney, IL 62450.
CS72-1178..	6-16-72	C. F. Raymond, 10642 Santa Monica Blvd., Los Angeles, CA 90024.

[FR Doc.72-9931 Filed 6-30-72;8:45 am]

ALASKA POWER SURVEY EXECUTIVE ADVISORY COMMITTEE

Order Establishing and Designating Membership and Chairmanship

JUNE 28, 1972.

The Federal Power Commission hereby determines that the establishment of the Alaska Power Survey Executive Advisory Committee is in the public interest, and necessary and appropriate for the purposes of the Federal Power Act, 16 U.S.C. 791(a) et seq., and the Commission establishes this Committee in accordance with the provisions of the Commission's order issued concurrently herewith—"Order Authorizing the Establishment of Alaska Power Survey Advisory Committees and Prescribing Procedures" and the provisions of this order.

1. *Purpose.* The Executive Advisory Committee shall constitute the principal policy advisory committee to the Commission and its staff in the Commission's planning, conduct and execution of the Alaska Power Survey. In this policy advisory role, the Executive Advisory Committee will be called upon to offer suggestions to assist the Commission and staff in their activities in formulating planning assumptions and directing the work of the Survey, including the work of other advisory committees; to assist in establishing priorities for work to be performed and in the coordination of all aspects of the Survey; to assist in assembling and assimilating comprehensive, accurate and reliable data required for the Survey; and to assist in such other ways as it may from time-to-time be called upon by the Commission or its staff.

2. *Membership.* The chairman, vice chairman, secretary, alternate secretary and other members of the Executive Advisory Committee, as selected by the Chairman of the Commission with the approval of the Commission, are designated in the appendix hereto.

3. *Selection of Future Committee Members.* All future committee members and persons designated to act as committee chairmen or vice chairmen, shall be selected and designated by the Chairman of the Commission with the approval of the Commission; provided, however, the Chairman of the Commission may select and designate additional persons to serve in the capacity of alternate secretary.

4. The following paragraphs of the aforementioned Commission order issued concurrently herewith, are hereby incorporated by reference:

3. Conduct of Meetings.
4. Minutes and Records.
5. Secretary of the Committee.
6. Location and Time of Meetings.
7. Advice and Recommendations Offered by the Committee.
8. Duration of the Committee.

The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

ALASKA POWER SURVEY

EXECUTIVE ADVISORY COMMITTEE

Chairman: Robert W. Ward, Administrator, Alaska Power Administration.
Vice chairman: George W. Easley, Commissioner of Public Works, State of Alaska.
Secretary: George R. Bell, Engineer in Charge of Electric Resources and Requirements, Federal Power Commission, San Francisco Regional Office.
Alternate secretary: Warren George, Chief, Engineering Division, Corps of Engineers, Alaska District.

MEMBERS

William A. Corbus, Assistant Manager, Alaska Electric Light & Power Co.
Dr. Oscar E. Dickason, Chief, Alaska Operating Division, Environmental Protection Agency, Room G-66, Federal Building, 605 Fourth Avenue, Anchorage, AL.
Loyd M. Hodson, General Manager, Alaska Village Electric Cooperative, Inc.
R. L. Hufman, General Manager, Golden Valley Electric Association, Inc.
Leon H. Johnson, Manager, Kodiak Electric Association, Inc.
Willard H. Johnson, General Manager, Matanuska Electric Association, Inc.
John Katz, 825 Eighth Avenue, Anchorage, AL 99501.
W. L. Kubley, Secretary's Program Representative, Department of Agriculture.
Colonel Amos C. Mathews, District Engineer, U.S. Army Engineer District, Alaska.
Keith Maxwell, Manager, Copper Valley Electric Association, Inc.
Arthur J. Movius, Manager, Fairbanks Municipal Utilities.
Carroll A. Oliver, Manager, Anchorage Municipal Light & Power Department.
Ms. Pat Redmond, Post Office Box 4-079, Anchorage, AL.
William C. Rhodes, Manager, Homer Electric Association, Inc.
L. J. Schultz, General Manager, Chugach Electric Association, Inc.
Lieutenant General Robert W. Ruegg, Alaskan Command, Department of Defense, Elmendorf Air Force Base, Alaska.
John Sackett, President, Tanana Chief Conference, 102 Lacy Street, Fairbanks, AL.
Dr. Dale A. Swanson, Head, Department of Business Administration, University of Alaska.
Elmer B. Titus, Manager, Ketchikan Public Utilities.

[FR Doc.72-10097 Filed 6-30-72;8:50 am]

ALASKA POWER SURVEY ADVISORY COMMITTEES

Order Authorizing Establishment and Prescribing Procedures

JUNE 28, 1972.

The Federal Power Commission has determined that a further survey of electric power requirements and resources in the State of Alaska is necessary and appropriate for the purposes of the Federal Power Act, 16 U.S.C. 791a et seq.

Section 311 of the Act, 16 U.S.C. 825j, authorizes and directs the Commission to conduct investigations and report to the Congress "* * * regarding the generation, transmission, distribution, and sale of electric energy, however produced, throughout the United States * * *. It shall * * * secure and keep current information regarding the ownership, operation, management, and control of all facilities for such generation, transmission, distribution, and sale * * * capacity and output thereof and the relationship between the two * * * cost * * * rates * * * all such facts to the development of navigation, industry, commerce, and the national defense." Section 202(a) of the Act, 16 U.S.C. 824a(a), in pertinent part, declares the broad Congressional policy to be followed by the Commission in its administration of the Act "* * * assuring an abundant supply of electric energy throughout the United States with the greatest possible economy and with regard to the proper utilization and conservation of natural resources * * *.".

In 1969, the Commission published its "Alaska Power Survey",[1] covering extant conditions, principally those prevailing in 1967, with projections to 1985. Subsequent to 1967 major changes have taken place which affect the projected economic growth in the State of Alaska and corresponding demands upon the electric power resources of the electric utility systems (investor owned, publicly owned, and cooperatively owned) operating throughout the State. The changes are essentially those which are associated with the discovery and prospective development of major fossil energy resources along the Alaskan North Slope. The bases of the Commission's 1969 "Alaska Power Survey" require updating.

The concept of a continued survey of selected matters of study by the Commission, with broad participation by persons drawn from the Alaskan utility industry—investor owned, publicly owned, and cooperatively owned—utility consumers, governmental authorities, native ethnic groups, educational authorities, environmental or conservation groups and general consumer interests, organized as advisory committees in accordance with Executive Order

[1] FPC Publication p. 37, released July 18, 1969.

No. 11671, issued June 5, 1972, 37 F.R. 11307, section 1(6)(7), is in the public interest and necessary and appropriate for the purposes of the Federal Power Act, 16 U.S.C. 791a et seq. This participation will be formalized in accordance with the requirements of Executive Order No. 11671. Selection of advisory committee members will not be limited to utility operating personnel. Considering the scope of problem areas for the proposed study, effective advisory committee operations would be hindered if all participants were drawn from representatives of operating utility systems.

The Commission will direct the conduct of the Survey through members of the Commission and its staff. In directing this Survey, the Commission will review information, advice and recommendations obtained through advisory committees. But, all determinations of action to be taken and policy to be expressed with respect to matters upon which a committee advises or makes recommendations, shall be made solely by the Commission. The advice of all advisory committees shall be limited to matters relating solely to the planning and carrying out of the Power Survey. The Commission will have complete responsibility for the Survey with respect to its conduct, scope, the ultimate recommendations and the acceptance of the final report. In discharging these responsibilities, the Commission will provide such expertise as required and will approve the Survey's objectives, scope of work, organization and schedule of performance. The Commission will make all required policy determinations and give its advice directed toward the coordination and cooperation between the Survey and any intergovernmental or industry activities. As so directed, the proposed Alaska Power Survey will serve the purposes of the Federal Power Act and the interests reflected therein.

The Commission contemplates that the proposed Alaska Power Survey advisory committees will include an executive advisory committee and a number of technical advisory committees. Others may be established. The conduct of all advisory committees shall be under the overall direction of the Commission, pursuant to the general requirements as set forth in this order and in accordance with the requirements of Executive Order No. 11671 and all Commission rules and regulations implementing such requirements. Formulated and utilized in this manner in connection with the Commission's performance of its statutory duties, the advisory committees will be in the public interest.

Specific Commission orders will be issued from time to time establishing each advisory committee and denominating its membership and chairmanship. By separate order issued concurrently with this order, the Commission establishes the Alaska Power Survey Executive Advisory Committee, the principal policy advisory committee to the Commission and its staff in the Commission's planning, conduct, and execution of the Survey.

Executive Order No. 11671, particularly sections 10 and 12, states procedures that are to be followed in the conduct of advisory committees' affiairs, including industry advisory committees. These sections state, in part: "Sec. 10 Advisory Committees shall meet under the chairmanship of, or in the presence of, a Government official * * * who shall have the authority and be required to adjourn any meetings * * * Advisory Committees shall not * * * receive, compile, or discuss data or reports showing the current or projected commercial operations of identified business enterprises * * * hold any meetings except at the call of, or with the advance approval of, a Government official and with an agenda approved by such official * * *."

Section 13 provides in part: "* * * for public knowledge of and accessibility to advisory and industry advisory committees * * * agency heads shall make adequate provision for participation by the public in the activities of such committees * * * except to the extent that a determination is made in writing by the * * * agency head that committee activities are matters which fall within policies analogous to those recognized in section 552(b) of Title 5 of the United States Code, and the public interest requires such activities to be withheld from disclosure. * * *".

The Chairman of the Commission has determined as follows:

(1) That all meetings of Alaska Power Survey advisory committees shall be open to public observation and any interested person may attend any meetings of such committees; subject only to determinations by the Government official in whose presence such meetings are being held or to further administrative regulation, as may be appropriate, as to the numbers of persons in attendance, and the nature and extent of their individual participation, if any, all as reasonably necessary and appropriate for the conduct of committee affairs;

(2) That public notice of all meetings of the Alaska Power Survey advisory committees shall be given by publication in the FEDERAL REGISTER or by publication in local media, as appropriate, giving the dates, times, places, and agendas of all such meetings;

(3) That the records of all Alaska Power Survey advisory committee meetings or proceedings shall include as minutes with respect to each:

(a) The identification of committee members and all other persons present and participating in the meeting together with the interests or affiliations they represent;

(b) The written information made available for consideration by the committee;

(c) A description of all matters discussed; and

(d) All recommendations made and reasons therefor; and

(4) That there shall be kept in addition to the requirements of paragraph (3) supra, a verbatim transcript of all meetings of the Alaska Power Survey Executive Advisory Committee.

1. *Purpose.* The advisory committees shall advise and make recommendations to the Commission in planning and carrying out the Commission's proposed Alaska Power Survey.

2. *Selection of Committee members.* Unless otherwise directed by the Commission, all committee members and persons designated to act as committee chairmen or vice chairmen, shall be selected and designated by the Chairman of the Commission with the approval of the Commission.

3. *Conduct of Meetings.* The Chairman of the Commission, or, in his absence, the Vice Chairman of the Commission, or any full-time salaried officer or employee of the Commission, or of another agency or department of the Federal Government, designated by the Chairman of the Commission, who shall act as chairman of a committee, shall be responsible for opening, conducting, and adjourning committee meetings when, in his judgment, adjournment is in the public interest. When a committee is chaired by a person, designated by the Chairman of the Commission, as chairman of that committee, who is not a full-time salaried officer or employee of the Commission, no meeting of such committee shall be held except at the call of, or with the advance approval of, a full-time salaried officer or employee of the Commission, designated by the Chairman of the Commission, and with an agenda formulated or approved by such officer or employee; and all such meetings shall be conducted in the presence of such full-time salaried officer or employee of the Commission, or a full-time salaried officer or employee of another agency or department of the Federal Government, designated by the Chairman of the Commission, who shall be responsible for opening the meeting, assisting in the conduct thereof, and for adjourning any meeting whenever he considers adjournment to be in the public interest.

4. *Minutes and Records.* The Chairman of the Commission having made the determinations as set forth above, it is directed: (1) That the records of all Alaska Power Survey advisory committee meetings or proceedings to be kept by the Secretary of each committee shall include as minutes with respect to each (a) the identification of committee members and all other persons present and participating in the meeting together with the interests or affiliations they represent; (b) the written information made available for consideration by the committee; (c) a description of all matters discussed; and (d) all recommendations made and reasons therefor; and (2) that in addition to the foregoing, a verbatim transcript shall be kept of all meetings of the Alaska Power Survey Executive Advisory Committee.

The minutes and transcripts of all Alaska Power Survey advisory committee meetings or proceedings shall be retained within the public files of the Commission.

5. *Secretary of the Committee.* The Chairman of the Commission shall appoint a secretary and alternate secretary of each committee from among the members of the Commission staff or from another agency or department of the Federal Government, who shall be responsible for preparing agenda and notifying committee members of the meetings, all in accordance with the requirements of paragraph three above, preparing minutes of all committee meetings, and maintaining all records related to organization, membership and operations of the committee. The secretary or alternate secretary shall be present during all committee meetings and the person so present shall certify the accuracy of all minutes during the proceedings recorded.

6. *Location and Time of Meetings.* Unless otherwise directed by the Chairman of the Commission, committee meetings will convene at the call of the Chairman of the Commission at such time and place as he shall direct, or at such time and place as may be designated by the chairman of the committee with the advance approval of the Chairman of the Commission. Some of these meetings may be held at the Federal Power Commission's Washington, D.C. office or its Regional Office in San Francisco, Calif., during regular working hours of the Commission, but, ordinarily, most of the meetings will be held in Alaska at specified places during regular working hours as recognized in that State, all as specified in the call of meeting.

7. *Advice and Recommendations Offered by the Committee.* The advice and recommendations of the members of the committees may be presented to the Commission at committee meetings either orally or in written form. The advice of all committees shall be limited to matters relating solely to the planning and carrying out of the Alaska Power Survey. Ultimate decisions based on the committees' advice or recommendations are reserved to the Federal Power Commission.

8. *Duration of the Committee.* All committees shall terminate not later than 2 years subsequent to their respective dates of formation, unless the Commission determines in writing, not more than 60 days prior to the expiration of such 2-year period, that continued existence of a committee is in the public interest. A like determination by the Commission shall be required not more than 60 days prior to the end of each subsequent 2-year period to continue the existence of each committee thereafter.

The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.72-10098 Filed 6-30-72;8:50 am]

[Docket No. CP72-295]

NATURAL GAS PIPELINE COMPANY OF AMERICA ET AL.

Notice of Application

JUNE 27, 1972.

Take notice that on June 22, 1972, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, IL 60603, Columbia Gulf Transmission Co. (Columbia), 3805 West Alabama Avenue, Houston, TX 77001, and Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Tennessee), Post Office Box 683, Houston TX 77001, filed in Docket No. CP72-295 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas and the retention in place and the continued operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that on April 25, 1972, they commenced a 60-day emergency exchange of natural gas pursuant to an oral agreement and § 157.22 of the Commission's regulations under the Natural Gas Act (18 CFR 157.22). By letter agreement dated May 2, 1972, applicants reduced the details of the exchange to writing and agreed to continue the exchange beyond the initial 60-day period. Applicants now seek certificate authorization for the exchange. Under the terms of the exchange agreement, Natural will cause Texaco, Inc. (Texaco) to deliver to Tennessee at Tennessee's existing Muskrat Line in Sweet Bay Lake field, Terrebonne Parish, La., up to 35,700 Mcf of natural gas per day which Natural purchases from Texaco in the Sweet Bay Lake field. Tennessee will in turn cause Sea Robin Pipeline Co. (Sea Robin) to deliver to Columbia at the terminus of Sea Robin's pipeline facilities near Erath, La., up to 60,000 Mcf of natural gas per day. Columbia will cause equivalent volumes of gas to be delivered to Natural for Tennessee's account at the tailgate of Texaco's Henry plant near Erath, La. Applicants state that further exchange points are provided under the agreement at the interconnections between Natural's and Tennessee's facilities at Cameron Meadows, Cameron Parish, La., and East Bernard, Wharton County, Tex., in order to balance the exchange volumes if necessary. Applicants indicate that the exchange is on an equivalent thermal content basis and no monetary compensation will be paid by any party.

Applicants state that no additional facilities will be required to effectuate the authorized exchange because measuring and connecting facilities, costing approximately $22,500, were constructed in order to carry on the emergency exchange. Applicants request authorization to retain these facilities in place and to continue their operation.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 14, 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 Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-10065 Filed 6-30-72;8:49 am]

[Project No. 2149]

PUBLIC UTILITY DISTRICT NO. 1, OF DOUGLAS COUNTY, WASH.

Notice of Public Hearing

JUNE 21, 1972.

Public notice is hereby given that on March 21, 1972, the Washington State Department of Game (Game) renewed its petition for hearing on the issue of the extent of loss of wildlife due to the construction and operation of Wells Project No. 2149.

By its order issued June 13, 1972, the Federal Power Commission ordered a public hearing to be held commencing July 25, 1972, at 10 a.m. (e.d.s.t.), in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426 concerning the establishment of wildlife losses directly attributable to the construction of Wells Project No. 2149, any mitigation of these which has occurred and any mitigation thereof which is required.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 25, 1972, file with the Federal Power Commission, 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.72-10064 Filed 6-30-72;8:49 am]

FEDERAL RESERVE SYSTEM

EXCHANGE BANCORPORATION, INC.

Acquisition of Bank

Exchange Bancorporation, Inc., Tampa, Fla., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire at least 98.8 percent of the voting shares of The Exchange National Bank of Holiday, Holiday, Fla., a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than July 21, 1972.

Board of Governors of the Federal Reserve System, June 26, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-10036 Filed 6-30-72;8:50 am]

FIRST UNITED BANCORPORATION, INC.

Order Approving Acquisition of Bank

First United Bancorporation, Inc., Fort Worth, Tex., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The First National Bank of Fort Worth, Fort Worth, Tex. (First Bank). The bank into which First Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of First Bank. Accordingly, the proposed acquisition of the shares of the successor organization is treated herein as a proposed acquisition of the shares of First Bank. Applicant has filed separate applications for approval to acquire 27 percent of the voting shares of Security State Bank, Fort Worth, Tex. (Security Bank) and 24.3 percent of the voting shares of Seminary State Bank, Fort Worth, Tex.; which are presently held by First Bank in its pension trust.

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant, which has been a trusteed affiliate of First Bank since 1929, became a regulated bank holding company as a result of the 1970 Amendments to the Act. Applicant controls 36.9 percent of University State Bank ($32.3 million in deposits representing 0.1 percent of total deposits of commercial banks in the State). (All banking data are as of June 30, 1971, and reflect holding company formations and acquisitions through March 31, 1972.) Additionally, Applicant presently holds between 24 and 24.9 percent of voting shares of Security Bank ($14.2 million in deposits), Seminary Bank ($13.1 million in deposits), Gateway National Bank ($12.5 million in deposits) and Great Southwest National Bank ($4 million in deposits), all located in the Forth Worth banking market. Upon consummation of the proposal herein, Applicant would directly control four subsidiary banks with aggregate deposits of $498 million representing approximately 28 percent of total deposits of commercial banks in the Fort Worth area, 1.9 percent of deposits of commercial banks in the State, and would retain control of 24.9 percent of the voting shares of Gateway National Bank and Great Southwest National Bank.

First Bank ($438 million in deposits), the second largest of 44 banks in the Fort Worth banking market controls approximately 25 percent of deposits of commercial banks in that area. First Bank has been a bank holding company since 1966 and controls, through a pension trust, 27 percent of the voting shares of Security Bank, and 24.3 percent of the voting shares of Seminary Bank. Upon consummation of the proposed acquisitions Applicant would control 51 percent of the voting shares of Security Bank and 48.3 percent of the voting shares of Seminary Bank in addition to virtually all voting shares of First Bank.

All of the banks, shares of which are held by applicant or First Bank, operate in the Fort Worth banking market. These banks were organized and chartered between 1950 and 1969 by individuals associated with First Bank, and have maintained close working relationships with First Bank since their formation. By virtue of these relationships, applicant and its lead bank in fact control not only University, but also Security and Seminary banks. First National is a regional bank with a substantial amount of nonlocal regional and correspondent banking business. At its office in the center of the city it competes with two similar Fort Worth and five Dallas banks for larger business, governmental, and personal accounts. The other banks involved in the application, all neighborhood institutions, would undoubtedly be branches of First National if branching were permitted under Texas law. These offices are of primary importance to serve the convenience of individuals and businesses in their immediate vicinity. This is evident from the character of their deposit and loan business. For the great majority of these customers, convenience to home or work is the dominant factor in their banking choices. Thus it is only in a marginal sense that these neighborhood offices can be said to compete with the downtown Fort Worth institutions. This was the Board's finding in its Statement concerning the application of First at Orlando Corp., Orlando, Fla., to become a bank holding company (1967 Federal Reserve Bulletin 235).

Since the institutions whose affiliations are here sought to be consolidated with a holding company are comparatively small and are widely separated from each other, the anticompetitive aspects of the proposal are more than offset by the service advantages growing out of the greater efficiencies that are characteristic of a holding company affiliation.

Due to the fact that the instant proposal involves a restructuring of present affiliation, the Board finds that the proposal would have little effect on the banking convenience and needs of the communities to be served or on the financial and managerial resources and future prospects of the banks involved. However, these factors are satisfactory and consistent with approval. It is the Board's judgment that consummation of the proposed transactions is in the public interest and the applications should be approved.

On the basis of the record, the applications are approved for the reasons summarized above. The transactions shall not be consummated (a) before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[1] effective June 26, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.72-10039 Filed 6-30-72;8:50 am]

[1] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Brimmer, Sheehan, and Bucher. Absent and not voting: Chairman Burns.

UNITED BANK CORPORATION OF NEW YORK

Order Approving Acquisition of Bank

United Bank Corporation of New York, Albany, N.Y., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of the successor by merger to Highland National Bank of Newburgh, Newburgh, N.Y. (Bank). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the ninth largest of 18 multibank holding companies and 15th largest banking organization in New York, controls two subsidiary banks—State Bank of Albany, Albany ($686 million of deposits) and Liberty National Bank and Trust Co., Buffalo ($460 million of deposits). Their aggregate deposits of approximately $1.1 billion represent 1.2 percent of the total commercial bank deposits in the State. (All banking data are as of December 31, 1971, and reflect holding company formations and acquisitions approved through March 31, 1972.) Applicant's two subsidiary banks operate 66 offices in New York Banking Districts Four and Nine. Acquisition of Bank ($55.4 million of deposits) would result in Applicant's initial entry into the Third Banking District, where Bank is located. Applicant's share of commercial bank deposits in the State would not increase significantly and its rank in the State would be unchanged.

Bank, the sixth largest of 29 banks operating in the Mid-Hudson banking market,[1] operates three offices located in and adjacent to Newburgh, N.Y., and controls 6.5 percent of total deposits of commercial banks in the market.

Applicant's subsidary bank nearest to Bank is located in Germantown, N.Y., approximately 55 miles north of Bank. It appears that there is no significant competition between Bank and either of Applicant's subsidiary banks. Moreover, the prospect for such competition developing in the future appears unlikely in the light of the facts presented, notably the distances separating Bank from Applicant's subsidiaries, the number of banks located in the intervening areas and the restrictive provisions of New York State banking laws relating to branch banking and home office protection. Although Applicant could enter the Third Banking District de novo, this prospect appears unlikely in part because of the limitations on branching by newly chartered banks.

It appears that consummation of Applicant's proposal will not foreclose entry by other banking organizations into the relevant market since a number of other independent banks, in addition to Bank, are located in that market. Affiliation with Applicant may enable Bank to compete more aggressively with the larger banks in the market (three of which are affiliated with bank holding company organizations) and may encourage the opening of new branches in the Third District, which would have a procompetitive effect. In view of continued Statewide expansion by large New York City-based bank holding companies, expansion by moderate-sized upstate banking organizations such as Applicant should reduce the likelihood of the State's banking assets being dominated by a few banking organizations.

On the basis of the record before it, the Board concludes that consummation of the proposed acquisition would not have an adverse effect on competition in any relevent area. The financial and managerial resources and prospects of Applicant, its subsidiaries, and Bank appear satisfactory. It appears that the banking needs of the relevant communities are being adequately served by existing banking organizations. However, Applicant proposes, among other services, to assist Bank in offering advisory and trust services and expanded lending services through participation loans with Applicant's present subsidiaries. Thus, considerations relating to the convenience and needs of the communities involved are consistent with approval. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,[2] effective June 26, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.72-10040 Filed 6-30-72;8:50 am]

[1] Comprised of Dutchess, Putnam, and Ulster Counties, plus the Newburgh area of Orange County.

[2] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Brimmer, Sheehan, and Bucher. Absent and not voting: Chairman Burns.

FEDERAL OPEN MARKET COMMITTEE

Continuing Authority Directive With Respect to Domestic Open Market Operations

In accordance with § 271.5 of its rules regarding availability of information, notice is given that at its meeting on March 21, 1972, the Committee ratified the action taken by committee members on February 29, 1972, to increase from $2 billion to $3 billion the limit on changes between Committee meetings in System Account holdings of U.S. Government and Federal agency securities specified in paragraph 1(a) of the continuing authority directive with respect to domestic open market operations.

At its meeting on March 21, 1972, the Committee amended paragraph 1(a) of the continuing authority directive to restore the $2 billion limit that had been in effect prior to the action on February 29, 1972.

The Committee also at its meeting of March 21, 1972, ratified the action taken by a majority of committee members on March 7, 1972, to suspend, until the close of business on March 21, 1972, the lower limit (set forth in paragraph 1(c) of the continuing authority directive) on interest rates on repurchase agreements (RP's) arranged by the Federal Reserve Bank of New York with nonbank dealers. The provision in question—which had also been suspended for the periods from December 23, 1971, through January 11, 1972, and from January 26 through February 15, 1972—specified that such RP's were to be made "at rates not less than (1) the discount rate of the Federal Reserve Bank of New York at the time such agreement is entered into, or (2) the average issuing rate on the most recent issue of 3-month Treasury bills, whichever is the lower."

NOTE: For paragraph 1(a) of the directive, see 36 F.R. 22697, for paragraph 1 (b) and (c), see 32 F.R. 9584, for paragraph 2, see 36 F.R. 19277, and for paragraph 3, see 35 F.R. 447.

By order of the Federal Open Market Committee, June 14, 1972.

ARTHUR L. BROIDA,
Deputy Secretary.

[FR Doc.72-10038 Filed 6-30-72;8:48 am]

FEDERAL OPEN MARKET COMMITTEE

Current Economic Policy Directive

In accordance with § 271.5 of its Rules Regarding Availability of Information, there is set forth below the Committee's Current Economic Policy Directive issued at its meeting held on March 21, 1972.[1]

The information reviewed at this meeting suggests that real output of goods and services is increasing in the current quarter at about the stepped-up rate attained in the

fourth quarter of 1971. Several measures of business activity have strengthened recently and demands for labor have improved somewhat, but the unemployment rate remains high. Wholesale prices continued to rise rapidly in January and February, in part because of large increases in prices of foods. However, the advance in wage rates slowed markedly after the post-freeze surge in December. Following a period of sluggish growth, the narrowly defined money stock increased sharply in February, partly reflecting a substantial reduction in U.S. Government deposits. Inflows of time and savings funds at bank and nonbank thrift institutions continued rapid in February, although below January's extraordinary pace. Short-term interest rates have risen considerably in recent weeks while yields on long-term securities have changed little on balance. Exchange rates for most major foreign currencies against the dollar appreciated further in February and early March, as recurrent speculative outflows of capital added to the U.S. balance of payments deficit. In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to sustainable real economic growth and increased employment, abatement of inflationary pressures, and attainment of reasonable equilibrium in the country's balance of payments.

To implement this policy, while taking account of international developments and possible Treasury financing, the Committee seeks to achieve bank reserve and money market conditions that will support moderate growth in monetary aggregates over the months ahead.

By order of the Federal Open Market Committee, June 14, 1972.

ARTHUR L. BROIDA,
Deputy Secretary.

[FR Doc.72-10037 Filed 6-30-72;8:48 am]

GENERAL SERVICES ADMINISTRATION

PAINT, OIL ALKYD (MODIFIED), EXTERIOR, FUME RESISTANT, LEAD FREE, READY MIXED, WHITE AND TINTS

Industry Specification Development Conference

Notice is hereby given that the Federal Supply Service, General Services Administration, will hold an Industry Specification Development Conference in connection with Interim Federal Specification TT-P-00102C (GSA-FSS), Paint, Oil Alkyd (Modified), Exterior, Fume Resistant, Lead Free, Ready Mixed, White and Tints.

The purpose of the conference is to provide a forum for consideration of suggestions, ideas, or ways and means to improve the specification to: (1) promote mutual understanding by both the Government and industry of the Government's technical requirements for the items, and (2) enhance the quality of the products shipped to the Government. It will be open to all those in the private sector who have an interest or concern for these matters and all other Government departments or agencies having an interest therein are also being invited to send their representatives.

The conference will be held on July 26, 1972, at 10 a.m., Room 1022, Building 4, Crystal Mall, 1941 Jefferson Davis Highway, Arlington, VA. Anyone who wants to attend or desires further information should contact Mr. W. S. van Eyken, General Services Administration, Federal Supply Service, at telephone number (Area Code 703) 557-7879 or write General Services Administration (FMSB), Washington, D.C. 20406.

Issued in Washington, D.C., on June 21, 1972.

M. S. MEEKER,
Commissioner.

[FR Doc.72-10068 Filed 6-30-72;8:49 am]

NATIONAL CAPITAL PLANNING COMMISSION

[NCPC File No. 0735]

PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY IN THE NATIONAL CAPITAL REGION

Policies and Procedures

The Commission's Policies and Procedures for Protection and Enhancement of Environmental Quality in the National Capital Region appear in the FEDERAL REGISTER at 36 F.R. 23706-23709, 37 F.R. 3010, 37 F.R. 4936 and 37 F.R. 11198-11199. The Commission will consider the proposed amendments set out below at its meeting on August 3, 1972. Interested parties are requested to submit their views in writing to the Commission within fifteen (15) days from the filing date of this notice in the FEDERAL REGISTER, addressed to:

Ben Reifel, Chairman, National Capital Planning Commission, Washington, D.C. 20576.

The proposed amendments are as follows:

1. Amend section 1(e) to read as follows:

(e) The Commission requires each District of Columbia and Federal agency submitting proposed developments in the National Capital Region for Commission review pursuant to section 5 of the National Capital Planning Act of 1952, as amended, to submit either an Environmental Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 and section 6(a) of the Council on Environmental Quality's Guidelines for Statements on Proposed Federal Actions Affecting the Environment (hereinafter called "Guidelines"), or, if section 102(2)(C) of NEPA does not apply, a written Description of Environmental Impact that includes the points enumerated in section 6(a) of the Guidelines.

2. Redesignate subsection (f) of section 1 as subsection (g) and add a new subsection (f) to read as follows:

(f) The Environmental Statements and Description of Environmental Impact for actions initiated by the Commission shall contain the points enumerated in section 6(a) of the Guidelines and shall identify the studies, reports, and other information used in their preparation. The Commission will inform other agencies and interested members of the public of decisions to prepare Environmental Statements in order to insure early and optimal identification of environmental issues and their potential impacts.

3. Add the following at the end of subparagraph (c) of the first paragraph of section 2:

The appropriate Maryland and Virginia authorities shall submit the necessary environmental information to enable the preparation of either an Environmental Statement or a Description of Environmental Impact.

4. Amend subparagraph (b) of the first paragraph of section 3 to read as follows:

(b) Require that all submissions by District agencies pursuant to section 5 of the National Capital Planning Act of 1952, as amended, include a Description of Environmental Impact pursuant to section 1(e) of these policies and procedures. The contents of the Description of Environmental Impact shall include the points enumerated in section 6(a) of the Guidelines.

5. Add a new section to read as follows:

5. COMMISSION REVIEW OF ENVIRONMENTAL STATEMENTS

Pursuant to section 7 of the Guidelines, the Commission reviews and comments on Environmental Statements prepared by other agencies for proposed developments within the National Capital Region.

If the Environmental Statement relates to a proposed development on which the Commission has taken action pursuant to section 5 of the National Capital Planning Act of 1952, as amended, or on which the Commission otherwise has an established policy, the Executive Director shall submit comments to the sponsoring agency consistent with such action or established policy.

If the Environmental Statement relates to a proposed development on which the Commission has not taken action pursuant to section 5 of the National Capital Planning Act of 1952, as amended, or on which the Commission otherwise has no established policy, the Executive Director shall submit to the Commission for approval his proposed comment to the sponsoring agency.

DANIEL H. SHEAR,
Secretary to the Commission.

JUNE 29, 1972.

[FR Doc.72-10180 Filed 6-30-72;8:54 am]

OFFICE OF EMERGENCY PREPAREDNESS

MARYLAND

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Maryland, dated June 24, 1972, and published June 28, 1972 (37 F.R. 12756), is hereby amended to include the following city and counties among those counties determined to have been adversely

[1] The Record of Policy Actions of the Committee for the meeting of March 21, 1972, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

affected by the catastrophe declared a major disaster by the President in his declaration of June 23, 1972: The city of Baltimore and the counties of:

Anne Arundel.	Frederick.
Carroll.	Harford.
Cecil.	Washington.
Charles.	

Dated: June 27, 1972.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.72-10080 Filed 6-30-72;8:48 am]

NEW YORK

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of New York, dated June 24, 1972, and published June 28, 1972 (37 F.R. 12756), is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 23, 1972:

The counties of:

Livingston.	Seneca.
Ontario.	Wyoming.
Schuyler.	Yates.

Dated: June 27, 1972.

G. A. LINCOLN,
Director.
Office of Emergency Preparedness.

[FR Doc.72-10081, Filed 6-30-72;8:48 am]

PRICE COMMISSION

STATE OF NEW YORK PUBLIC SERVICE COMMISSION ET AL.

Certificates of Compliance

Section 300.16a(d) of the regulations of the Price Commission provides for the issuance by the Price Commission of certificates of compliance to State and Federal regulatory agencies whose rules for implementing the Economic Stabilization Program, with respect to public utilities, have been approved by the Price Commission.

It is the Commission's intention to publish in the FEDERAL REGISTER, on a biweekly basis, a list of the regulatory agencies that have been so certified.

As of June 23, certificates of compliance have been issued to the following agencies.

(1) State of New York Public Service Commission.
(2) The Public Utilities Commission of Colorado.
(3) Michigan Public Service Commission.

Issued in Washington, D.C. on June 23, 1972.

JAMES B. MINOR,
Deputy General Counsel,
Price Commission.

[FR Doc.72-10032 Filed 6-30-72;8:48 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5218]

OHIO EDISON CO.

Notice of Proposed Issue and Sale of Bonds

JUNE 27, 1972.

Notice is hereby given that Ohio Edison Co., 47 North Main Street, Akron, OH 44308 (Ohio Edison), 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(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Ohio Edison proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $60 million principal amount of First Mortgage Bonds —— percent Series of 1972 due 2002. The interest rate of the bonds (which will be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be paid to Ohio Edison (which will be not less than 100 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under Ohio Edison's indenture dated as of August 1, 1930, between Ohio Edison and Bankers Trust Co., trustees, as heretofore amended and supplemented and as to be further amended and supplemented by a 21st supplemental indenture to be dated as of the first day of the calendar month in which the bonds are issued. The supplemental indenture includes a prohibition until August 1, 1977, against refunding the issue with funds borrowed at a lower annual cost of money.

The proceeds from the sale of the new bonds will be used for the acquisition of property, the construction, completion, extension, renewal, or improvement of Ohio Edison's facilities or for the improvement of its service, or for repayment of unsecured short-term debt, estimated to be outstanding at the time of issue in the amount of $32 million, or for the reimbursement of its treasury for expenditures made for such purposes. Ohio Edison's construction expenditures for the year 1972 are estimated at $125,288,000.

Ohio Edison also proposes, on or about November 1, 1972, to issue an additional $423,000 principal amount of its First Mortgage Bonds 3¼ percent Series of 1955 due 1985, under the provisions of its 12th supplemental indenture dated as of May 1, 1955, and to surrender such bonds to the trustee in accordance with the sinking fund provisions. The bonds are to be identical with those authorized by the Commission on March 7, 1972 (Holding Company Act Release No. 17482), and are to be issued on the basis of property additions. Ohio Edison estimates that, after the proposed issue of the new bonds and the sinking fund bonds, unfunded net property additions will amount to approximately $69 million as of December 31, 1971.

It is stated that the issuance of the new bonds and the sinking fund bonds is subject to the jurisdiction of the Public Utilities Commission of Ohio and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be paid in connection with the sinking fund bonds are estimated at $600. The fees and expenses in connection with the new bonds are to be filed by amendment.

Notice is further given that any interested person may, not later than July 19, 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] GLADYS E. GREER,
Assistant Secretary.

[FR Doc.72-10050 Filed 6-30-72;8:46 am]

[File No. 500-1]

TANGER INDUSTRIES

Order Suspending Trading

JUNE 27, 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 supension 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 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 27, 1972 through July 6, 1972.

By the Commission.

[SEAL] GLADYS E. GREER,
Assistant Secretary.

[FR Doc.72-10051 Filed 6-30-72;8:46 am]

[File No. 500-1]

TOPPER CORP.

Order Suspending Trading

JUNE 27, 1972.

The common stock, $1 par value of Topper Corp. being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Topper Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to Sections 19(a)(4) and 15(c)(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 28, 1972 through July 7, 1972.

By the Commission.

[SEAL] GLADYS E. GREER,
Assistant Secretary.

[FR Doc.72-10052 Filed 6-30-72;8:48 am]

DEPARTMENT OF LABOR

Office of the Secretary

GENERAL ELECTRIC CO.

Investigation Regarding Certification of Eligibility of Workers To Apply for Adjustment Assistance

The Department of Labor has received a Tariff Commission report containing an affirmative finding under section 301(c)(2) of the Trade Expansion Act of 1962 with respect to its investigation of a petition for determination of eligibility to apply for adjustment assistance filed on behalf of workers of General Electric Co.'s Utica, N.Y. plants. (TEA-W-142). In view of the report and the responsibilities delegated to the Secretary of Labor under Section 8 of Executive Order 11075 (28 F.R. 473), the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.5 and this notice. The investigation relates to the determination of whether any of the group of workers covered by the Tariff Commission report should be certified as eligible to apply for adjustment assistance, provided for under title III, chapter 3, of the Trade Expansion Act of 1962, including the determination of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in Subpart B of 29 CFR Part 90.

Interested persons should submit written data, views, or arguments relating to the subjects of investigation to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C., on or before July 7, 1972.

Signed at Washington, D.C., this 26th day of June 1972.

GLORIA G. VERNON,
Director, Office of Foreign Economic Policy.

[FR Doc.72-10071 Filed 6-30-72;8:49 am]

INTERSTATE COMMERCE COMMISSION

FEED GRAINS TO NEW ENGLAND

Establishment of Lake-Rail Routes and Rates

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 2d day of June 1972.

Pursuant to our notice dated August 17, 1971, an informal conference was held between certain of our staff members and some of those who indicated an interest in the proposal of the Water Transport Association, composed of a membership including certificated carriers on the Great Lakes providing for the establishment of lake-rail routes and rates for the transportation of feed grain from points in certain midwestern States to points in New England. The notice of the conference was served on the Farm Bureau Association; the New England Governors' Conference; the Special Assistant to the President for Consumer Affairs; the Water Transport Association; all class I and class II railroads serving New England, and railroads serving Buffalo and connecting with the latter; the Association of American Railroads; the nationwide association of motor carriers, the American Trucking Association; and a nationwide association of shippers, namely, the National Industrial Traffic League.

The informal conference was held on September 16, 1971, at the offices of the Interstate Commerce Commission in Washington, D.C. In addition to members of the New York and New England Congressional delegations or their representatives, representatives of the Water Transport Association, poultry growers, dairymen, feed dealers, milling companies, the New England Governors' Conference, farmer associations, port commission, State officials, boards of trade, a shipbuilder, the eastern railroads, and others attended. All of those who made statements supported the proposal. At the conclusion of the presentation, the Chairman of the Traffic Executive Association—Eastern Railroads, representing the eastern railroads, stated that he was unable to announce the position of the railroads regarding participation in a voluntary agreement to implement the proposed operation. He agreed to furnish the Commission and the parties of record a statement indicating the position of the eastern railroads on or before November 16, 1971.

By letter dated November 2, 1971, the Chairman of the Traffic Executive Association—Eastern Railroads, without purporting to represent each individual railroad member of the association, reported that the proposal was "not desirable or acceptable." The Water Transport Association and the New England Feed and Grain Council, among numerous others, replied and requested that the informal conference be reconvened. The Chairman of the Traffic Executive Association—Eastern Railroads, by letter dated December 15, 1972, reiterated the railroads' position that the proposal was "unacceptable," and stated that there was no need for reconvening the informal conference and no basis for further action by the Commission.

There is wide support in the New England area and New York for the proposed operation. In cognizance thereof, as stated in the proposed notice, the informal conference was convened for the purpose of obtaining details of the proposal as well as to hear the position of the interested parties on a record. In view of the present positions of the principal interests, any further informal participation by the Commission, in this matter, which primarily, as has been developed on the record, involves an attempt of the proponents of the proposal to convince the railroads to voluntarily agree to participate in the proposal, may cast doubt on our impartiality in reaching a determination in any formal proceeding which may arise hereafter. Consequently, we have concluded not to reconvene the informal conference.

Nevertheless—considering the extent of the interest shown; the importance of the particular transportation service to the economic welfare of an entire region of the Nation, as demonstrated by the expressions of all the New England Governors and their respective departments of agriculture in particular; and the innovative nature of the proposed operation, involving self-unloading vessels and "exploding" unit-trains, which holds a

possibility of providing more efficient transportation by the joinder of the inherent advantages of two modes—we believe that the matter should not be precipitately terminated.

At the same time, if we were to explore the matter in more detail by instituting an investigation on our own motion, we would presumably be expected by the parties, and others, based on past experience, to have our staff develop the record. On the other hand, other members of our staff would thereafter be engaged in assisting the Commission in the decisional process. If we were to commit the portion of our limited resources necessary to develop a record, which obviously would be substantial considering, among other things, the novel legal issues involved, the performance of our many other duties would inevitably be adversely affected to the detriment of the general public interest.

We note that at the informal conference, during a colloquy between the presiding staff member and a representative of the Water Transport Association, the latter indicated that he believed that the participants in the informal conference would be willing to undertake the development of a record.

As we have recognized above, the making of a record will require substantial effort. Without intending to limit the evidence to be submitted, such a record should include more details concerning the proposed operation, and should be directed to such critical factors as:

1. The probative cost of all equipment and facilities required;
2. The probative cost of performing the present service over actual routes;
3. The probative cost of the proposed service over routes including all necessary carriers;
4. The economies accruing to the shippers, receivers, and ultimate consumers, if any; and
5. The environmental impact of the proposal.

In addition, there is a substantial legal question regarding the authority to prescribe such rates and routes, and it will require a thorough analytical presentation subsequent to the hearings.

For the reasons stated, we would tend to view favorably a petition to institute an investigation, subject, however, to consideration of replies thereto, provided that petitioners affirmatively indicate therein that they will be prepared to make the necessary record and bear the burden of proof in any such investigation.

By the Commission.

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

[FR Doc.72-10111 Filed 6-30-72;8:52 am]

[MC-105809 (Sub-No. 13)]

MACK TRANSPORTATION CO.

Transportation of Hardware

At a session of the Interstate Commerce Commission, Division 1, acting as an Appellate Division, held at its office in Washington, D.C., on the 9th day of June 1972. No. MC-105809 (Sub-No. 13), Mack Transportation Company Extension—Hardware, Philadelphia, Pa.

Upon consideration of the record in the above-entitled proceeding, and of:

(1) Petition of applicant, filed March 9, 1972, for leave to amend the application and for reconsideration;

(2) Joint reply (styled motion) by Carolina Freight Carriers Corp. and Johnson Motor Lines, Inc., protestants, filed March 15, 1972;

(3) Motion of Pilot Freight Carriers, Inc., protestant, filed March 20, 1972, to strike the petition in (1) above, also treated as a reply;

(4) Reply by Mercury Motor Express, Inc., protestant, filed March 27, 1972;

(5) Reply by St. Johnsbury Trucking Co., Inc., protestant, filed March 29, 1972;

And good cause appearing therefor:

It is ordered, That the motion in (3) above, be, and it is hereby, overruled, for the reasons that the order of the Commission, Division 1, acting as an Appellate Division, of December 30, 1971, to the extent said order rejected applicant's method of bringing its proposed operations into conformity with the provisions of section 210 of the Interstate Commerce Act, is not administratively final and is the proper subject of a plea for review.

It is further ordered, That the above-entitled proceeding be, and it is hereby, reopened for the purposes of (a) receiving the tendered amendment to the application (as redescribed below to conform to Commission usage), and (b) further hearing.

It is further ordered, That the application in this proceeding be, and it is hereby, amended to read as follows:

Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting commodities dealt in by hardware stores, from the warehouse site of Cotter & Co. at Philadelphia, Pa., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of shipments originating at the said warehouse site of Cotter & Co. at Philadelphia, Pa., and destined to the named destination points.

It is further ordered, That notice of the application as amended be published in the FEDERAL REGISTER.

It is further ordered, That this proceeding be, and it is hereby, designated for oral hearing de novo, at a time and place hereafter to be fixed, subsequent to the publication of the amended application in the FEDERAL REGISTER.

It is further ordered, That the petition in all other respects, be, and it is hereby, denied.

By the Commission, Division 1, acting as an Appellate Division.

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

[FR Doc.72-10113 Filed 6-30-72;8:52 am]

[Sec. 5a Apps. 45, Amdt. 7; 46, Amdts. 7, 8]

NIAGARA FRONTIER TARIFF BUREAU, INC. AND SOUTHERN MOTOR CARRIERS

Order Approving Amendments to Agreements

At a session of the Interstate Commerce Commission, Review Board Number 4, held at its office in Washington, D.C., on the 14th day of June 1972.

It appearing, That in section 5a Application No. 45, the Commission, Division 2, in its report of March 25, 1955, 294 ICC 541, withheld approval of an agreement between and among applicant motor common carrier members of Niagara Tariff Bureau, Inc., hereinafter called Niagara, under section 5a of the Interstate Commerce Act, and that upon submittal of a revised agreement by applicants in conformity with the conclusions expressed in said report, an order was entered in a supplemental report on November 15, 1955, 297 ICC 494, approving the revised agreement, and that further amendments to the said agreement were approved October 4, 1956, December 7, 1961, October 31, 1962, January 25, 1965, and February 15, 1968;

It further appearing, That in section 5a Application No. 46, the Commission, Division 2, in its report of January 10, 1956, 297 ICC 603, withheld approval of an agreement between and among member motor common carriers of Southern Motor Carriers Rate Conference, hereinafter called Southern, under section 5a of the Interstate Commerce Act, and that upon submittal of a revised agreement by applicants in conformity with the views and conclusions expressed in said report, an order was entered on September 18, 1956, approving the revised agreement, and that further amendments to the said agreement were approved October 10, 1958, July 14, 1960, August 10, 1961, and November 2, 1964;

It further appearing, That both Southern and Niagara, respectively filed on May 7, 1971, and June 14, 1971, separate supplemental applications, in lieu of prior applications respectively filed August 5 and October 17, 1968, under the provisions of section 5a of the Act, seeking further amendments to their respective agreements, as set forth in detail therein, so as to, among other things, establish jointly with each other for and on behalf of their respective member carriers the organization and procedures for the joint consideration of rates and related matters interterritorially between Southern territory and the Province of Quebec, Canada; and that the said prior applications of August 5 and October 17, 1968, be, and they are hereby, considered withdrawn;

It further appearing, That the application filed June 14, 1971, of the parties to the approved Niagara agreement also seeks approval of additional amendments to the said agreement, as set forth in detail therein, so as to (1) provide separate procedures for the processing of section 22 quotations on traffic for the U.S. Government; (2) specifically provide for public notice of independent

action proposals to comply with Ex Parte 253, Notice of Independent Action, 332 ICC 22; and (3) make other incidental changes made necessary by the foregoing changes;

It further appearing, That the application filed May 7, 1971, of the parties to the approved Southern agreement also seeks approval of additional amendments to the said agreement, as set forth in detail therein, so as to (1) modify the various rate and tariff agreement forms of articles III and IV to show administrative changes of W. C. Brown, Jr., in lieu of W. M. Miller, or the acting executive vice president, in lieu of acting general manager, as agent and attorney-in-fact, and to provide for all East-South tariff participating carriers, including members, to execute the governing rate and tariff agreement form and eliminate from their ratemaking function territorial jurisdiction over the Province of Quebec, Canada; (2) require the prior approval of this Commission of any changes in the agreement bylaws and procedures (article XVIII); (3) eliminate the joint agency ratemaking agreement and procedures with Southwestern Motor Freight Bureau, Inc., and establish, in lieu thereof, a new South-Southwest Interterritorial Committee; (4) show the current schedules of monthly member assessments and non-member participating fees; and (5) make other incidental changes made necessary by the foregoing changes;

It further appearing, That the applicants parties to the approved Southern agreement filed on February 6, 1972, an additional application seeking approval of still further amendments to the said agreement, as set forth in detail therein, so as to (1) increase the composition of the Board of Governors to 12 members, in lieu of 10 members, and thereby increase member representation of carriers not domiciled within southern territory; (2) provide procedures for a special election of such additional board members, and (3) make other incidental changes made necessary by the foregoing changes;

And it further appearing, That the applicants have each served copies of the said applications upon all parties to the involved proceedings, that public notice of the nature of the amendments proposed was issued and published in the FEDERAL REGISTER, and that no objections thereto have been filed;

Wherefore, and good cause appearing therefore:

We find, That approval of the amendments herein is not prohibited by paragraphs (4), (5), or (6) of section 5a of the Interstate Commerce Act, and they by reason of the furtherance of the national transportation policy the relief provided in paragraph (9) of section 5a of the act should apply with respect to the making and carrying out of the agreements as so further amended; and that this decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969; therefore:

It is ordered, That the amendments to the said agreements as specified in the applications filed May 7, 1971, June 14, 1971, and February 6, 1972, be and they are hereby, approved; and that this order shall become effective on, and remain in force on and after August 1, 1972, subject to such terms and conditions or regulations as may hereafter be prescribed.

And it is further ordered, That the applicants hereto within 3 months from the date of service of this order furnish the Commission with (4) copies of their revised agreements, including the amendments approved herein, to which is appended a verified current list of the signatory carrier parties to the said agreements, for the purpose of providing the Commission with single documents containing the agreements with all revisions and carrier parties thereto.

By the Commission, Review Board Number 4.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-10112 Filed 6-30-72;8:51 am]

[Ex Parte No. 263]

PROCESSING OF LOSS AND DAMAGE CLAIMS

Practices of Regulated Carriers Regarding Processing

Present: George M. Stafford, Chairman, to whom the matter which is the subject of this order has been assigned for action thereon.

It appearing, that on February 3, 1972, the Commission made and filed its report and order in the above-entitled proceeding, Loss and Damage Claims, 340 ICC 515;

It further appearing, that by order entered April 13, 1972, the effective date of the order of February 3, 1972, was postponed to July 1, 1972;

It further appearing, that by the fourth ordering paragraph of the order of February 3, 1972, all carrier respondents to this proceeding are required (a) to file and post with the Commission, in accordance with the requirements of Subchapter D, Tariffs and Schedules, of Chapter X of Title 49 of the Code of Federal Regulations, any rules and practices pertaining to the processing and disposition of loss and damage claims; (b) to file with this Commission any contracts, agreements, or arrangements between or among carriers pertaining thereto; and (c) otherwise fully to comply with the requirements of sections 6 (1) and (5), 217(a), 218(a), 220(a), 306 (a) and (3), 313(b), 405, 409(b), and 412(a) of the Act;

It further appearing, that by letter dated May 16, 1972, the American Trucking Associations, Inc., asked the Commission's staff to clarify the tariff filing requirements intended by the Commission in its order of February 3, 1972, (a) insofar as certain portions of the claim fied matters contained in the claim rule book published by the NFCC, and (b) insofar as certain portions of the claim rule book would constitute rules and practices required to be published in tariff form;

It further appearing, that by letter dated June 5, 1972, the Director of the Commission's Bureau of Traffic replied to the letter from the American Trucking Associations; that answers were made to specific questions presented therein; and that by notice served June 6, 1972, all participants in the proceeding were informed of those questions and answers;

It further appearing, that by letter dated June 13, 1972, American Trucking Associations, Inc., avers that (a) its National Freight Claim Council is presently assembling the necessary powers and information in order to file a claim rules tariff in behalf of numerous motor carriers; and (b) that, as a consequence of the scope of that task, it will be impossible for it to comply with the requirement that such tariff be filed on or before July 1, 1972;

It further appearing, that the National Tank Truck Carriers, Inc., by letter dated June 20, 1972, joins in the June 13 request of the American Trucking Associations, Inc.; and good cause appearing therefor:

It is ordered, That the order entered February 3, 1972, as modified by the order entered April 13, 1972, be further modified for the sole purpose of extending to September 1, 1972, the time for compliance by all regulated carrier respondents with tariff filing requirements set forth therein; and that in all other respects the effective date of the order of February 3, 1972, remains fixed as July 1, 1972.

Dated at Washington, D.C., this 26th day of June 1972.

By the Commission, Chairman Stafford.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.72-10115 Filed 6-30-72;8:53 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 28, 1972.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42459—*Iron or steel articles to Pascagoula, Miss.* Filed by Traffic Executive Association—Eastern Railroads, agent (E.R. No. 3019), for interested rail carriers. Rates on ship parts, viz.: iron or steel angles, beams, channels, and tees, in carloads, as described in the application, from specified points in Pennsylvania, New York, and West Virginia, to Pascagoula, Miss.

Grounds for relief—Market competition.

Tariff—Supplement 25 to Traffic Executive Association—Eastern Railroads, agent, tariff ICC C–819. Rates are published to become effective on July 29, 1972.

FSA No. 42460—*Iron or steel pipe to Beach, Tex.* Filed by Southwestern Freight Bureau, agent (No. B–325), for interested rail carriers. Rates on wrought iron or steel pipe, oil country tubular goods (drill pipe, casing, tubing), or line pipe, in carloads, as described in the application, from Minnequa and Pueblo, Colo., to Beach, Tex.

Grounds for relief—Rate relationship and market competition.

Tariff—Supplement 233 to Southwestern Freight Bureau, agent, tariff ICC 4620. Rates are published to become effective on August 5, 1972.

FSA No. 42461—*Class and commodity rates from and to Port Bienville, Miss.* Filed by M. B. Hart, Jr., agent (No. A6313), for interested rail carriers. Rates on property moving on class and commodity rates, between Port Bienville, Miss., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New station and grouping.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.72–10109 Filed 6–30–72;8:51 am]

[Notice 21]

ASSIGNMENT OF HEARINGS

JUNE 28, 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 83835 Sub 89, Wales Transportation, Inc., now being assigned hearing August 4, 1972 (1 day), at St. Louis, Mo.; MC 107295 Sub 582, Pre-Fab Transit Co., now being assigned hearing August 8, 1972 (1 day), at Chicago, Ill.; MC 107295 Sub 586, Pre-Fab Transit Co., now being assigned hearing August 7, 1972 (1 day), at Chicago, Ill.; MC 116273 Sub 149, D & L Transport, Inc., now being assigned hearing August 9, 1972 (3 days), at Chicago, Ill., in hearing rooms to be later designated.

MC 1334 Sub 10, Riteway Transport, Inc., now being assigned hearing July 31, 1972, at Phoenix, Ariz., in a hearing room to be later designated.

MC 61231 Sub 58, Ace Lines, Inc., now being assigned continued hearing August 3, 1972 (1 day), at St. Louis, Mo.; MC 135649 Sub 1, Friederich Truck Service, Inc., now being assigned continued hearing August 1, 1972 (2 days), at St. Louis, Mo., in hearing rooms to be later designated.

MC–F 11170, Hyman Freightways, Inc.—Control—Tri-D Truck Line, Inc., now assigned hearing July 11, 1972; MC 124211 Sub 204, Hilt Truck Line, Inc., now assigned July 17, 1972; MC 124774 Sub 80, Midwest Refrigerated Express, now assigned hearing July 18, 1972; MC 125966 Sub 26, Road Runner Trucking, Inc., now assigned hearing July 20, 1972; MC 125996 Sub 27, Road Runner Trucking, Inc., now assigned hearing July 20, 1972, at Omaha, Nebr., in Room 812, Federal Office Building, 106 South 15th Street.

MC–F 11170, Hyman Freightways, Inc.—Control—Tri-D Truck Line, Inc., now assigned hearing July 24, 1972 at Kansas City, Mo., in Room 114, 1100 Federal Building, 911 Walnut Street.

MC 129631, Pack Transport, Inc., now assigned August 21, 1972 (1 week), in Room 314, Federal Annex Building, 135 South State Street, Salt Lake City, UT.

MC–F–11200, The Mason And Dixon Lines, Inc.—Purchase—Econ, Inc. now assigned July 24, 1972, MC 135960, Jacob Sackett, (doing business as) Fleetwood Ski & Sports Club, now assigned July 27, 1972, at Chicago, Ill., will be held in Room 286, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC–15859 Sub 7, The Hine Line, now assigned July 31, 1972, MC 123639 Sub 144, J. B. Montgomery, Inc., now assigned July 31, 1972, at Omaha, Nebr., will be held in Room 812, Federal Office Building, 106 South 15th Street, Omaha, NE.

MC 116474 Sub 21, Leavitts Freight Service, Inc., now being assigned hearing August 17, 1972 (2 days), at Portland, Ore., in a hearing room to be later designated.

MC 124692 Sub 84, Sammons Trucking, now being assigned hearing August 7, 1972 (1 day), at Missoula, Mont., in a hearing room to be later designated.

I&S No. 8707, Refrigeration Provisions, Florida East Coast Railway, assigned July 10, 1972, I&S No. 8720, Icing Services, U.S. Railroads, assigned July 10, 1972, will be held in the Superior Court, Department 26, Room 316, Courthouse, 111 North Hill Street, Los Angeles, CA.

MC 128527 Sub 22, May Trucking Co., now being assigned hearing August 21, 1972, at Portland, Oreg., in a hearing room to be later designated.

MC–F–11421, Baker Truck Service, Inc.—purchase—Pacific Western Transport, Inc. (Philip J. Thompson, receiver), now being assigned hearing August 9, 1972 (3 days), at Spokane, Wash., in a hearing room to be later designated.

MC 61592 Sub 243, Jenkins Truck Line, Inc., now being assigned hearing August 14, 1972 (1 day), at Portland, Oreg., in a hearing room to be later designated.

MC 135461 Sub 2, M. B. Interstate, Inc., now being assigned hearing August 15, 1972 (2 days), at Portland, Oreg., in a hearing room to be later designated.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.72–10110 Filed 6–30–72;8:51 am]

[Notice 85]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–73745. By order of June 27, 1972, the Motor Carrier Board approved the transfer to Joe W. Towry, doing business as Menomonie Trucking Co., Menomonie, Wis., of the operating rights in certificate No. MC–29144 issued September 17, 1962, to James E. Stringer, Menomonie, Wis., authorizing the transportation of livestock, from points in the towns of Elk Mound, Tainter, Red Cedar, and Menomonie, Dunn County, Wis., to South St. Paul, Newport, St. Paul, Minneapolis, Stillwater, and Hopkins, Minn., and general commodities, with usual exceptions, from South St. Paul, Newport, St. Paul, Minneapolis, Stillwater, and Hopkins, Minn., to the above-specified Wisconsin towns, A. R. Fowler, 2288 University Avenue, St. Paul, MN 55114, registered practitioner for applicants.

No. MC–FC–73754. By order of June 27, 1972, the Motor Carrier Board approved the transfer to Fife Moving & Storage Co., a corporation, Houston, Pa., of the operating rights in certificate No. MC–41219 issued December 31, 1969, to Willard E. Latchem and John W. Latchem, Jr., a partnership, doing business as Latchem's Transfer, Charleroi, Pa., authorizing the transportation of household goods between points in Washington, Allegheny, and Fayette Counties, Pa., on the one hand, and, on the other, points in Ohio, West Virginia, and Maryland. Edwin L. Scherlis, 1209 Lewis Tower Building, Philadelphia, Pa. 19102, attorney for applicants.

No. MC–FC–73763. By order of June 27, 1972, the Motor Carrier Board approved the transfer to Dante F. Volpe, Norristown, Pa., of the operating rights in certificate No. MC–23550 issued October 29, 1940, to Carlo Volpe, Norristown, Pa., authorizing the transportation of general commodities, with usual exceptions, between Norristown, Pa., and Philadelphia, Pa., via U.S. Highway 422, serving all intermediate points and off-route points in Pennsylvania within 3 miles of the specified route. Richard L. Grossman, 60 East Penn Street, Post Office Box 150, Norristown, PA 19404, attorney for applicants.

No. MC–FC–73768. By order entered June 27, 1972, the Motor Carrier Board approved the transfer to Trans Western

Transport of Texas, Inc., Dallas, Tex., of the operating rights set forth in Certificate of Registration No. MC–120228 (Sub-No. 1), issued December 8, 1966, to Trans Western Transport, Inc., Dallas, Tex., evidencing a right to engage in transportation in interstate commerce corresponding in scope to Specialized Motor Carrier's Permanent Certificate of Convenience and Necessity No. 5583, Docket No. S–7449, reissued December 28, 1965, by the Railroad Commission of Texas. Phillip Robinson, Post Office Box 2207, Austin, TX 78767, attorney for applicants.

No. MC–FC–73781. By order of June 27, 1972, the Motor Carrier Board approved the transfer to Robert Samuel Seeman and Robert William Seeman, a partnership, doing business as Seeman's Towing Service, Chicago, Ill., of the operating rights in certificates Nos. MC–119165 and MC–119165 (Sub-No. 1) issued March 23, 1960, and August 16, 1963, respectively, to Samuel Seeman, doing business as Seeman's Greasing Palace, Chicago, Ill., authorizing the transportation of wrecked, damaged, or disabled motor vehicles, when moved by wrecker-type equipment, between points in Illinois, Indiana, Iowa, Michigan, Missouri, and Ohio; between points in Illinois, Indiana, Iowa, Michigan, Missouri, and Ohio, on the one hand, and, on the other, points in Wisconsin on and north of Wisconsin Highway 33 from La Crosse through Portage to Port Washington, and between Chicago, Ill., on the one hand, and, on the other, points in Nebraska and Wyoming, and points in Wisconsin south of Wisconsin Highway 33. Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603, attorney for applicants.

No. MC–FC–73792. By order of June 27, 1972, the Motor Carrier Board approved the transfer to Shaw Trucking, Inc., Juniata, Nebr., of the operating rights in permits Nos. MC–133065 (Sub-No. 4) and MC–133065 (Sub-No. 13) issued July 14, 1971, and March 14, 1972, respectively, to Eckley Trucking and Leasing, Inc., Mead, Nebr., authorizing the transportation of camper holddowns, spare tire carriers, swing-up bumper steps, truck cab steps, bound eliminators, snowmobiles, camper jacks, jack pads, camper dollies, lector-drive units, bumper steps, cab steps, and brace clamps, from Wahoo, Nebr., to points in the United States (except Alaska, Hawaii, and Nebraska), and equipment, materials, and supplies (except in bulk) used in the manufacture of such commodities, from points in the United States (except Alaska and Hawaii) to Wahoo, Nebr., restricted to service under contract with Hellstar Corp., of Wahoo, Nebr., and such commodities as are normally dealt in by lumber, lumber products, and forest product yards, from and to points as specified in Montana, Idaho, Washington, Oregon, Kansas, Missouri, South Dakota, Minnesota, Iowa, and Illinois, restricted to service under contract with Mid-West Lumber Co. of Lincoln, Nebr. Charles J. Kimball, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501, attorney for applicants.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.72–10106 Filed 6–30–72;8:51 am]

[Notice 89]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS [1]

JUNE 26, 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 (6) 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 66124 (Sub-No. 6 TA), filed June 9, 1972. Applicant: PACIFIC NORTHWEST MOTOR FREIGHT LINES, INC., 600 South Edmunds, Seattle, WA 98108. Applicant's representative: L. H. Doolittle (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which by reason of size or weight require the use of special equipment to either load, unload or transport, between points in Washington, Oregon, California, Idaho, and Utah and between points in each State, for 180 days. Supported by: There are approximately 30 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 107496 (Sub-No. 851 TA), filed June 9, 1972. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third Street, Post Office Box 855 (50304), Des Moines, IA 50309. Applicant's representative: Earl Check (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed*, in bulk, in tank vehicles, from Lewistown, Mo., to points in Iowa and Illinois, for 150 days. Supporting shippers: Fleer Feed Service, Lewistown, Mo. 63452; Gooch's Best Feeds, Box 36, Bloomfield, Iowa 52537. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 107743 (Sub-No. 16TA) filed June 7, 1972. Applicant: SYSTEM TRANSPORT, INC., East 6523 Broadway, Spokane, WA 99206. Applicant's representative: S. J. Cully, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel tubing*, from Chicago, Ill., to points in Washington, Idaho, Oregon, and California, for 180 days. Supporting shippers: Leavitt Tube, 1717 West 115th Street, Chicago, IL 60643; Regal Tube Co., 7401 South Linder Avenue, Chicago, IL 60638; Stack Steel and Supply, 500 Lander Street, Seattle, WA 98134; Welded Tube Co. of America, 1850 East 122d Street, Chicago, IL 60633. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, ICC, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 108207 (Sub-No. 350 TA) filed June 12, 1972. Applicant: FROZEN FOOD EXPRESS, Post Office Box 5888, 318 Cadiz Street (75207), Dallas, TX 75222. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery products*, which require refrigeration, from Jackson, Minn., to points in Texas, California, Arizona, New Mexico, Oklahoma, Arkansas, Louisiana, Mississippi, and Kansas City and St. Joseph, Mo., for 150 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: Villager Candies, Jackson, Minn. 56143. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 112063 (Sub-No. 15 TA), filed June 8, 1972. Applicant: PI & I MOTOR EXPRESS, INC., 2727 Freedland Road, Post Office Box 685, Sharon, PA 16146. Applicant's representative: Milan Tatalovich, 123 West Liberty Street, Girard, OH 44420. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron or steel pipe, tubing, conduit and fittings, and accessories therefor*, which are unloaded by carrier's trailer mounted mechanical unloading devices, from the plantsite of Wheatland Tube Co., 4345 Southwestern Boulevard, Chicago, IL, to points on or west of U.S. Route 15,

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

including the commercial zone of Rochester, N.Y., and points in Pennsylvania on or west of U.S. Route 219 starting at its intersection with the New York border above Bradford, Pa., and continuing southward to its intersection with the State of West Virginia border, for 180 days. Supporting shipper: Wheatland Tube Co., 4345 Southwestern Boulevard, Chicago, IL. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 112822 (Sub-No. 233 TA) filed June 8, 1972. Applicant: BRAY LINES CORPORATED, Post Office Box 1191, 1401 North Little Street, Cushing, OK 74023. Applicant's representative: Joe W. Ballard (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium bicarbonate*, from Rock Springs, Wyo., to points in Arizona, California, Oregon, Washington, and Texas, for 180 days. Supporting shipper: Robert B. Voegele, Traffic Manager, Church & Dwight Co., Inc., 1416 Willis Avenue, Drawer 751, Syracuse, NY 13201. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 124109 (Sub-No. 8 TA) filed June 6, 1972. Applicant: B. F. C. TRANSPORTATION, INC., 950 Shaver Road, Cedar Rapids, IA 52406. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Urethane foam*, from Iowa City, Iowa, to Chicago and Kankakee, Ill., and Omaha, Nebr., under contract with Sheller-Globe Corp., for 180 days. Supporting shipper: Sheller-Globe Corp., Iowa City Division, 2500 Highway 6 East, Iowa City, IA 52240. Send protests to: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 124839 (Sub-No. 13 TA), filed June 7, 1972. Applicant: BUILDERS TRANSPORT, INC., Post Office Box 7075, 4800 Augusta Road, Savannah, GA 31408. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products, and materials* used in the distribution, installation and application of such commodities, from Georgia-Pacific Corp. plants in Brunswick and Marietta, Ga., to points in Florida, for 90 days. Supporting shipper: Georgia-Pacific Corp., Post Office Box 909, Augusta, GA 30903. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 126305 (Sub-No. 47 TA), filed June 5, 1972. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., Route 1, Clayton, AL 36016. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, from the facilities of the Day Companies, Inc., Suffolk, Va., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, New Mexico, and Texas, for 180 days. Supporting shipper: Day Companies, Post Office Box 17409, White Station Tower, Memphis, TN 38117. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 128250 (Sub-No. 4 TA), filed June 5, 1972. Applicant: EUGENE NANNEY, 827 Harvard Road, Sikeston, MO 63801. Applicant's representative: Kenneth L. Dement, 310 West North Street, Sikeston, MO 63801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, in kegs, bottles and cans, from Milwaukee, Wis., to Sikeston, Cape Girardeau, Bonne Terre, Poplar Bluff, and Kennett, Mo., for 180 days. Supporting shippers: Bluff City Beer and Produce Co., Poplar Bluff, Mo.; Bess Supply Co., Highway 61 South, Sikeston, Mo. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 North 12th Street, St. Louis, MO 63101.

No. MC 128383 (Sub-No. 15 TA), filed June 7, 1972. Applicant: PINTO TRUCKING SERVICE, INC., 1219 Morris Street, Philadelphia, PA 19148. Applicant's representative: James W. Patterson, 123 South Broad Street, Philadelphia, PA. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk), between John F. Kennedy International Airport, New York, N.Y., and Logan International Airport, Boston, Mass. Restricted to the transportation of traffic having a prior or subsequent movement by air, for 180 days. Supporting shipper: Air France, John F. Kennedy International Airport, Jamaica, N.Y. 11430. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 128988 (Sub-No. 20 TA), filed May 31, 1972. Applicant: JO/KEL, INC., Post Office Box 1249, 15055 East Salt Lake Avenue, City of Industry, CA 91749; 22265 Los Angeles, Calif. 90022. Applicant's representatives: Louis C. Currier, president, and J. Max Harding, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Vehicle parts* from Wausau, Wis., to Fort Worth, Tex., and Forsyth, Ga. Restricted against the transportation of commodities which by reason of size or weight require the use of special equipment and further restricted to a transportation service to be performed under a continuing contract, or contract with Lear Siegler, Inc., for 180 days. Supporting shipper: Lear Siegler, Inc., Neway Division, Post Office Box 425, Muskegon, MI 49443. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles, CA 90012.

No. MC 133095 (Sub-No. 31 TA), filed June 6, 1972. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., Post Office Box 434, 2603 Euless Boulevard, 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: *Alcohol and alcoholic beverages*, requiring refrigeration in transit, from Poughkeepsie and Brooklyn, N.Y., to Dallas, Houston, and San Antonio, Tex., for 180 days. Supporting shipper: Monsieur Henri Wines, Ltd., 131 Morgan Avenue, Brooklyn, NY. Send protests to: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 9A27, Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

No. MC 134145 (Sub-No. 24 TA), filed June 12, 1972. Applicant: NORTH STAR TRANSPORT, INC., Post Office Box 51, Thief River, MN 56701. Applicant's representative: Robert P. Sack, Post Office Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Snowmobile clothing and related accessories*, from Seattle, Wash., to Aurora, Colo., Idaho Falls, Idaho, Carroll Stream, Ill., Trout Lake and Traverse City, Mich., St. Paul and Thief River Falls, Minn., Reno, Nev., Rochester, N.Y., Lockhaven, Pa., Bethel and Randolph, Vt., and Neenah, Wis., for 180 days. Supporting shipper: Arctic Enterprises, Inc., Thief River Falls, Minn. 56701. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, ND 58102.

No. MC 134781 (Sub-No. 1 TA), filed June 12, 1972. Applicant: FAST FREIGHT TRANSFER, INC., Post Office Box 2163, 1075 East 21st Street, Hialeah, FL 33012. Applicant's representative: Richard B. Austin, 5720 Southwest 17th Street, Miami, FL 33155. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* except household goods, as defined, commodities in bulk, classes A and B explosives, articles of unusual value, or requiring specialized handling, restricted to traffic having a prior or subsequent movement by rail and excluding traffic handled by freight forwarders under the jurisdiction of the Interstate Commerce Commission, from points in Dade County, Fla., to points in Dade, Broward, and Palm Beach Counties, Fla., and from

Dade, Broward, and Palm Beach Counties, Fla., to Dade County, Fla., for 180 days. Supporting shippers: Mobile Chemical Co., Post Office Box 71, Covington, GA 30209; Greenville Corp., Orion Street, Greenville, SC 29605; S. S. Kresge Co., Post Office Box 110, Forest Park, GA 30050; Chicago Shippers Association, Inc., 2 Sixth Street, Jersey City, NJ 07302. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Room 105, 5720 Southwest 17th Street, Miami, FL 33155.

No. MC 136795 TA, filed June 5, 1972. Applicant: CAPCO, INC., 4920 Southern Boulevard, Virginia Beach, VA 23462. Applicant's representative: L. R. Capshaw (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Containers*, from Norfolk International Terminals to various railheads in Norfolk, Portsmouth, Virginia Beach, Chesapeake, and Newport News, Va.; and (2) *return of empty and loaded containers*, from Norfolk, Portsmouth, Virginia Beach, Chesapeake, and Newport News, Va., to Norfolk International Terminals, Va., and Portsmouth Marine Terminal, Va., for 180 days. Supporting shippers: Northeast Plaza Building, Dart Containerline Corp., 5 World Trade Center, New York, NY 10048; Associated Container Transport, 90 West Street, New York, NY 10006; American Export Isbrandtsen Lines, 26 Broadway, New York, NY 10004. Send protests to: Robert W. Waldron, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 10–502 Federal Building, Richmond, Va. 23240.

No. MC 136796 TA, filed June 12, 1972. Applicant: CHARLES OTTO, doing business as OTTO TRANSFER, 417 East Elm Street, Delano, MN 55328. Applicant's representative: Charles Otto (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Treated timber piling, treated sawn timbers, poles and posts* used for bridge construction and industrial construction, *treated wood guardrail posts, all types of steel items* used in guardrail construction, *untreated lumber* used in highway construction or industrial construction, *galvanized steel bolts, nails, and miscellaneous hardware* used in highway and guardrail construction, from St. Louis Park, Minn., and Shakopee, Minn., to points in Wisconsin, Iowa, South Dakota, North Dakota, and Nebraska, for 180 days. Supporting shipper: Wheeler Division, St. Regis Paper Co., Post Office Box 26499, 3340 Republic Avenue, St. Louis Park, MN 55426. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 136797 TA, filed June 9, 1972. Applicant: CHARLES E. BRADLEY AND J. M. POWERS, a partnership, doing business as, BRADLEY & POWERS, Depot Road, Post Office Box 286, Paintsville, KY 41240. Applicant's representative: J. M. Powers (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, and supplies, including tools* used in the construction and maintenance of telephone systems and communication, between Paintsville, Ky., and points in the counties of Boyd, Carter, Elliott, Floyd, Greenup, Johnson, Knott, Lawrence, Letcher, Lewis, Martin, Magoffin, and Pike, Ky., for 180 days. Supporting shipper: J. F. Ballard, Resident Transportation Manager, Southern Region, Western Electric Co., 6701 Roswell Road NE., Atlanta, GA 30328. Send protests to: R. W. Schneiter, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 222 Bakhaus Building, 1500 West Main Street, Lexington, KY 40505.

No. MC 136798 TA, filed June 7, 1972. Applicant: MAUST TRANSFER CO., Pier 14, Seattle, WA 98104. Applicant's representative: William Grady, Norton Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* in containers, having a prior or subsequent movement by water, from the Seattle commercial zone to the Tacoma and Everett commercial zones and in the Seattle commercial zone, for 180 days. Supporting shippers: Salmon Terminals, 2701 26th Avenue SW., Seattle, WA 98126; American Mail Line, 1010 Washington Building, Seattle, Wash. 98101. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 136799 TA, filed June 6, 1972. Applicant: JAYHAWK TRUCK LINES, INC., 1400 Vickers-KSB&T Building, Wichita, KS 67202. Applicant's representative: Paul V. Dugan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, from Wichita, Kans., to Goessell and Emporia, Kans., from Goessell and Emporia, Kans., to Wichita, Kans., from Wichita, Kans., North on Interstate Highway 35 to Newton, Kans., thence North on Highway K–15 to Goessell, Kans., and return; also, from Wichita, Kans., to Newton, Kans., on I–35, thence to Emporia, Kans., on U.S. Highway 15 and return, for 180 days. Supporting shippers: Ratzlaff Draperies, Inc., Goessel, Kans. 67053; Broadmore Homes of Kansas, Inc., 1220 Hatcher Street, Emporia, KS 66801. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 136800 TA, filed June 6, 1972. Applicant: JERRY O. CAPES, WINFORD EUGENE BATES, DR. JOHNNY L. CAPES & LARRY A. WAGNER, doing business as ABC MOVING & STORAGE CO., 1198 Clark Street NW., Covington, GA 30209. Applicant's representative: Jerry O. Capes (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, and supplies* used in the installation, maintenance, and repairs of such equipment, between Covington, Ga., and points in the counties of Rockdale, Newton, Walton, Morgan, and Putnam Counties, Ga., for 180 days. Supporting shipper: Western Electric Co., Inc., 6701 Roswell Road NE., Atlanta, GA 30328. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 136801 TA, filed June 5, 1972. Applicant: A & T TRUCKING, INC., Nez Perce, Idaho 83543. Applicant's representative: Kenneth G. Bergquist, Post Office Box 1775, Boise, ID 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except household goods as defined by the Commission, explosives and commodities in bulk in tank vehicles, between points in Clearwater, Idaho, Lewis, and Nez Perce Counties, Idaho, for 180 days. NOTE: Applicant does not intend to tack or interline with other carriers. Supported by: There are approximately 10 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 550 West Fort Street, Box 07, Boise, ID 83702.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.72-10107 Filed 6-30-72;8:51 am]

[Notice 90]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS [1]

JUNE 27,1972.

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.

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

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 (6) 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 48844 (Sub-No. 10 TA), filed June 13, 1972. Applicant: MALDWYN JAMES, doing business as JAMED TRANSFER, 1134 Hawthorne Avenue, St. Paul, MN 55106. Applicant's representative: Patrick E. Quinn, Post Office Box 82028, Lincoln NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and empty beverage containers on return*, from St. Paul, and Minneapolis, Minn., to points in Nebraska and points in Iowa on and west of U.S. Highway 65, for 180 days. Supporting shipper: Grain Belt Breweries, Inc., Minneapolis, Minn. Send protests to: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, 110 South 4th Street, Minneapolis, MN 55401.

No. MC 49387 (Sub-No. 41 TA), filed June 12, 1972. Applicant: ORSCHELN BROS. TRUCK LINES, INC., Highway 24 East, Box 658, Moberly, MO 65270. Applicant's representative: Ted Orscheln (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale and retail grocery houses and stores, from the storage facilities of and/or utilized by CPC International, Inc., and/or United Facilities, Inc., at Galesburg, Ill., to points in Missouri, for 180 days. Supporting shippers: United Facilities, Inc., Post Office Box 539, Peoria, IL 61601; CPC International Inc., International Plaza, Englewood Cliffs, N.J. 07632. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 101940 (Sub-No. 4 TA), filed June 13, 1972. Applicant: WHALENS, INC., 102 North Sixth Street, Grand Fork, ND 58201. Applicant's representative: Alan F. Wohlstetter, 1700 K Street, NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Grand Forks, Walsh, Traill, Steele, Griggs, Nelson, Pembina, Cavalier, Ramsey, Eddy, and Foster Counties, N. Dak., and Polk, Marshall, Norman, Pennington, Kittson, Roseau, Red Lake, and Clearwater Counties, Minn., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such traffic, for 180 days. Supporting shippers: Door to Door International, Inc., 308 Northeast 72d Street, Seattle, WA 98115; Jet Forwarding, Inc., 200 West Central Avenue, Santa Ana, CA 92707; Smyth Worldwide Movers, Inc., 11616 Aurora Avenue North, Seattle,, WA 98133. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, ND 58102.

No. MC 115331 (Sub-No. 330 TA), filed June 13, 1972. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, MO 63131. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulfite waste liquor*, in bulk, from Fort Madison, Iowa, to St. Louis, Mo., and points in the counties of Boone, St. Charles, St. Louis, Jefferson, Iron, Washington, Perry, Franklin, Clark, Scotland, Schuyler, Adair, Knox, Lewis, Marion, Shelby, and Macon, Mo., for 180 days. Supporting shippers: Jim Williams Co., 3018 E Avenue NE., Cedar Rapids, IA 62402; Lignibind Co., Inc., 5758 Telegraph Road, St. Louis, MO 63129. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 North 12th Street, St. Louis, MO 63101.

No. MC 117370 (Sub-No. 23 TA), filed June 14, 1972. Applicant: STAFFORD TRUCKING, INC., 2155 Hollyhock Lane, Box 403, Elm Grove, WI 53122. Applicant's representative: Nancy J. Johnson, Suite 100, Tregent Building, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, with additives, in bulk, from Chicago, Ill., to points in Indiana, for 150 days. Supporting shipper: CPC International, Inc., International Plaza, Englewood Cliffs, N.J. 07632 (R. V. Haugen, assistant transportation manager, Mortor Transp.) Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, Room 809, 135 West Wells Street, Milwaukee, WI 53203.

No. MC 124160 (Sub-No. 5 TA), filed June 14, 1972. Applicant: SAVAGE BROTHERS, INCORPORATED, 602 East Main Street, American Fork, UT 84003. Applicant's representative: Lon Rodeny Kump, 720 Newhouse Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, from the Castle Valley Mining Co. mine, located approximately 12 miles west of Huntington, Utah, to the railroad head at Price, Utah, restricted to traffic having a subsequent out-of-State movement, for 180 days. Supporting shipper: Castle Valley Mining Co., Huntington, Utah (Shirl McArthur, president). Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, Salt Lake City, Utah 84111.

No. MC 125479 (Sub-No. 13 TA), filed June 12, 1972. Applicant: P-N-J KORNACKER, INC., 3050 West 10th Street, Waukegan, IL 60085. Applicant's representative: Albert A. Andrin, 29 South LaSalle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Monroe, Wis., to Detroit, Mich., for 180 days. Supporting shipper: Joseph Huber Brewing Co., 1208 14th Avenue, Monroe, WI 52566. Send protests to: District Supervisor Robert G. Anderson, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, Room 1086, 219 South Dearborn Street, Chicago, IL 60604.

No. MC 129863 (Sub-No. 6 TA), filed June 14, 1972. Applicant: FREDERICK L. BULTMAN, INC., 11144 West Silver Spring Drive, Milwaukee, WI 53225. Applicant's representative: William C. Dineen, 710 North Plankington Avenue (Room 412), Milwaukee, WI 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electric light bulbs, fluorescent tubes and display racks*, from the plantsite of General Electric Co., Lamp Division, at Milwaukee, Wis., to Rockford and Freeport, Ill.; and *returned shipments of said commodities* from Rockford and Freeport, Ill., to Milwaukee, Wis., for the account of General Electric Co., Lamp Division, for 150 days. Supporting shipper: General Electric Co., Lamp Division, Post Office Box 299, Milwaukee, WI 23201 (Robert F. Murray, manager, Milwaukee Distribution Center). Send protests to District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 133095 (Sub-No. 32 TA), filed June 8, 1972. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., Post Office Box 434, 2603 West Euless Boulevard, Euless, TX 76039. Applicant's representative: Rocky Moore (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol and alcoholic beverages*, from Hammondsport, N.Y., to Lafayette, La., Amarillo, Odessa, and San Antonio, Tex., for 180 days. Supporting shipper: Carl Sterling, Southwest Division Manager, Gold Seal Vineyards, Inc., 13709 Brookgreen Circle, Dallas, TX 75240. Send protests to: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

No. MC 134145 (Sub-No. 25 TA), filed June 12, 1972. Applicant: NORTH STAR TRANSPORT, INC., Post Office Box 51, Thief River Falls, MN 56701. Applicant's representative: Robert P. Sack, Post Office Box 6010, West St. Paul, MN 55118.

Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts, materials, and supplies* used in the manufacture of lawn mowers, motor bikes, snowmobiles and snow throwers, from points in Maryland to Omaha, Nebr., for 180 days. Supporting shipper: General Leisure Products Corp., Post Office Box 429, Downtown Station, Omaha, NE 68101. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 2340, Fargo, ND 58102.

No. MC 134145 (Sub-No. 26 TA), filed June 13, 1972. Applicant: NORTH STAR TRANSPORT, INC., Post Office Box 51, Thief River Falls, MN 56701. Applicant's representative: Robert P. Sack, Post Office Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Blanks or stampings, iron or steel*, 14-gauge or thicker, from Minneapolis, Minn., to Lincoln, Nebr., for 180 days. Supporting shipper: Arctic Enterprises, Inc., Thief River Falls, Minn. 56701. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, ND 58102.

No. MC 136809 TA, filed June 14, 1972. Applicant: O. K. LEASING CORP., 17 Harding Terrace, Newark, NJ 07112. Applicant's representative: Paul Keeler, Post Office Box 253, South Plainfield, NJ 07080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Yarn: Knitting* on cones, cores, or tubes, or in shanks, from South Hackensack, N.J., to points in Pennsylvania on and east of U.S. Highway 15, for 180 days. Supporting shipper: Spinnerin Yarn Co., Inc., 30 Wesley Street, South Hackensack, NJ 07606. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 136810 TA, filed June 13, 1972. Applicant: PROSPEX INDUSTRIES, LIMITED, 703–1112 West Pender Street, Vancouver, BC Canada. Applicant's representative: Ray Pauls (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel plates, steel sheets, and steel coils*, from the ports of entry on the International Boundary line between the United States and Canada at or near Lynden, Blaine and Sumas, Wash., to points in Washington and Oregon, for 180 days. Supporting shippers: Lambton Steel Ltd., 703–1112 West Pender Street, Vancouver 1 BC Canada; Prospex Industries Ltd., 703–1112 West Pender Street, Vancouver 1, BC Canada. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, WA 98101.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.72-10108, Filed 6-30-72;8:51 am]

LIST OF FEDERAL REGISTER PAGES AND DATES—JULY

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federal register

SATURDAY, JULY 1, 1972
WASHINGTON, D.C.

Volume 37 ■ Number 128

PART II

POSTAL SERVICE

■

CERTAIN PERMANENT POSTAGE RATES AND FEES

■

EFFECTIVE DATE

POSTAL SERVICE

CERTAIN PERMANENT POSTAL RATES AND FEES

Effective Date

1. On February 1, 1971, under the authority of the Postal Reorganization Act (Public Law 91–375), the Postal Service requested the Postal Rate Commission to submit to the Governors of the Postal Service a recommended decision on changes in rates of domestic postage and fees for domestic postal services (36 F.R. 2431; 36 F.R. 2571).

On June 5, 1972, the Postal Rate Commission transmitted to the Governors of the Postal Service its Recommended Decision (Commission Docket No. R71–1) in which it recommended permanent rates and fees. On June 28, 1972, the Governors approved the permanent rates and fees recommended by the Postal Rate Commission and the Board of Governors determined the effective date thereof. (A copy of the Governors' decision to approve the rates recommended by the Postal Rate Commission may be obtained from the Secretary, Board of Governors, U.S. Postal Service, Washington, D.C. 20260.)

In accordance with action by the Governors and the Board of Governors, the Postal Service hereby makes the rates and fees listed below effective as of 12:01 a.m., July 6, 1972.

2. The schedules A–1 through F–2 below set forth shall be applicable from and after the time and date specified, until further notice, except that for the rates set forth in Schedules B–1, B–2, B–3, B–4, C, and E, the first year phased rates shall instead be in effect as said rates are set out in Schedules 1, 2, 3, 4, 5, and 7 respectively, and except further that for the rates set forth in Schedule D for third-class nonprofit bulk mail the first year phased rates for third-class nonprofit bulk mail set out in Schedule 6 shall instead be in effect.

Schedules

A–1—First-Class Mail and Airmail.
A–2—Priority Mail.
B–1—Second-Class Mail: In-County and Transient.
B–2—Second-Class Mail: Publications of Authorized Nonprofit Organizations, Outside County.
B–3—Second-Class Mail: Classroom Publications, Outside County.
B–4—Second-Class Mail: Regular Rate Publications, Outside County.
C—Controlled Circulation Mail.
D—Third-Class Mail.
E—Fourth-Class Mail: Special and Library.
F–1—Special Delivery.
F–2—Registered Mail.

SCHEDULE A–1—FIRST-CLASS MAIL AND AIRMAIL

	Postage rate unit	Rate (cents)
First-Class:		
Letters	Ounce	[1] 8
Cards	Piece	6
Airmail:		
Letters	Ounce	[2] 11
Cards	Piece	9

[1] Rate applies up to 12 ounces. Heavier pieces are subject to priority mail rates.
[2] Rate applies up to 9 ounces. Heavier pieces are subject to priority mail rates.

SCHEDULE A–2—PRIORITY MAIL

Postage rate unit (pounds)	Rates (dollars) Zones					
	Local, 1, 2 and 3	4	5	6	7	8
1	1.00	1.00	1.00	1.00	1.00	1.00
1.5	1.20	1.22	1.25	1.30	1.40	1.50
2	1.40	1.43	1.51	1.60	1.68	1.77
2.5	1.60	1.65	1.76	1.90	2.02	2.16
3	1.80	1.86	2.01	2.20	2.36	2.54
3.5	2.00	2.08	2.26	2.49	2.69	2.93
4	2.20	2.30	2.52	2.79	3.03	3.31
4.5	2.40	2.51	2.77	3.09	3.37	3.70
5	2.60	2.73	3.02	3.39	3.71	4.08
Each additional pound	0.48	0.50	0.56	0.64	0.72	0.80

Exception: Parcels weighing less than 10 pounds, measuring over 84 inches but not exceeding 100 inches in length and girth combined, are chargeable with a minimum rate equal to that for a 10-pound parcel for the zone to which addressed.

SCHEDULE B–1—SECOND-CLASS MAIL: IN-COUNTY AND TRANSIENT

Mail type	*Full rate (cents)*
In-county:	
Pound-rate matter: [1]	
Per-pound	1.5
Minimum-per-piece	0.2
Per-piece	1.0
Per-copy-rate matter:	
Publications issued more frequently than weekly	2.1
Publications issued less frequently than weekly:	
Copies weighing 2 ounces or less	2.1
Copies weighing more than 2 ounces	3.1
Transient:	
First 2 ounces	6.0
Each additional ounce	2.0

[1] Pound-rate matter is charged the sum of the per-piece charge and either the per-pound charge or the minimum-per-piece charge, as applicable. See 39 CFR 132.1(a) (1972).

SCHEDULE B–2—SECOND-CLASS MAIL: PUBLICATIONS OF AUTHORIZED NONPROFIT ORGANIZATIONS, OUTSIDE COUNTY

	Postage rate unit	Full rate [1] (cents)
Per-pound:		
Non-advertising portion	Pound	5.0
Advertising portion: [2]		
Zone:		
1 and 2	do	7.8
3	do	8.5
4	do	9.7
5	do	11.5
6	do	13.4
7	do	15.5
8	do	17.7
Minimum-per-piece	Piece	0.2
Per-piece	do	1.5

[1] Charges for second-class nonprofit mail are computed by adding the per-piece charge to either the minimum-per-piece charge or the sum of the nonadvertising portion charge and the advertising portion charge, as applicable.
[2] Not applicable to publications containing 10 percent or less advertising content.

SCHEDULE B–3—SECOND-CLASS MAIL: CLASSROOM PUBLICATIONS, OUTSIDE COUNTY

	Postage rate unit	Full rate [1] (cents)
Per-pound:		
Nonadvertising portion	Pound	5.0
Advertising portion:		
Zone:		
1 and 2	do	7.8
3	do	8.5
4	do	9.7
5	do	11.5
6	do	13.4
7	do	15.5
8	do	17.7
Minimum-per-piece	Piece	0.8
Per-piece	do	1.4

[1] Charges for classroom publications are computed by adding the per-piece charge to either the minimum-per-piece charge or the sum of the nonadvertising portion charge and the advertising portion charge, as applicable.

SCHEDULE B–4—SECOND-CLASS MAIL: REGULAR RATE PUBLICATIONS, OUTSIDE COUNTY

	Postage rate unit	Full rate [1] (cents)
Per-pound:		
Nonadvertising portion	Pound	7.2
Advertising portion:		
Zone:		
1 and 2	do	[2] 9.1
3	do	9.8
4	do	11.0
5	do	12.8
6	do	14.7
7	do	16.8
8	do	19.0
Minimum-per-piece	Piece	1.3
Per-piece	do	1.6
Exceptions for publications mailing fewer than 5,000 copies per issue outside the county of publication:		
Minimum-per-piece	do	0.8
Per-piece	do	0.9

[1] Charges for second-class regular mail are computed by adding the appropriate per-piece charge to either the appropriate minimum-per-piece charge or the sum of the nonadvertising portion charge and the advertising portion charge, as applicable.
[2] Per-pound advertising portion rate for science of agriculture publications mailed to zones 1 and 2 is 7.8 cents.

SCHEDULE C—CONTROLLED CIRCULATION MAIL

	Full rate (cents)
Per-pound	15
Minimum-per-piece	5

SCHEDULE D

THIRD-CLASS MAIL

	Full rate (cents)
Single-piece:	
First 2 ounces	8
Each additional ounce	4
Keys and identification devices:	
First 2 ounces	14
Each additional 2 ounces	8
Regular bulk:	
Per-pound:	
Ordinary matter [1]	26
Books, catalogs, etc.[2]	22
Minimum-per-piece	[3] 4.8/5.0
Nonprofit bulk:	
Per-pound:	
Ordinary matter [1]	13
Books, catalogs, etc.[2]	11
Minimum-per-piece	2.1

[1] Ordinary matter includes all regular and nonprofit bulk matter except: Books and catalogs of 24 pages or more, seeds, cuttings, bulbs, roots, scions, and plants. See former title 39 U.S.C. § 4452(a), printed in 39 U.S.C.A. (App. in 1972 Supp.).
[2] Books and catalogs of 24 pages or more, seeds, cuttings, bulbs, roots, scions, and plants. Id.
[3] The lower minimum-per-piece rate applies to the first 250,000 pieces of regular bulk mail yearly.

SCHEDULE E—FOURTH-CLASS MAIL: SPECIAL AND LIBRARY

	Full rate (cents)
Special:	
First pound	21
Each additional pound	10
Library:	
First pound	10
Each additional pound	5

SCHEDULE F-2—REGISTERED MAIL

Value	Fees
$0.00 to $100	$0.95
$100.01 to $200	$1.25
$200.01 to $400	$1.55
$400.01 to $600	$1.85
$600.01 to $800	$2.15
$800.01 to $1,000	$2.45
$1,000.01 to $2,000	[1] $2.75
$2,000.01 to $3,000	$3.05
$3,000.01 to $4,000	$3.35
$4,000.01 to $5,000	$3.65
$5,000.01 to $6,000	$3.95
$6,000.01 to $7,000	$4.25
$7,000.01 to $8,000	$4.55
$8,000.01 to $9,000	$4.85
$9,000.01 to $10,000	$5.15
$10,000.01 to $1,000,000	$5.15 plus handling charge of 20 cents per $1,000 or fraction over first $10,000.
$1,000,000.01 to $15,000,000	$203.15 plus handling charge of 15 cents per $1,000 or fraction over first $1,000,000.
Over $15,000,000	Additional charges may be made based on consideration of weight, space, and value.

[1] For articles covered by commercial or other insurance and valued at more than $1,000 the fee is $2.45 plus 20 cents per $1,000 or fraction over $1,000 up to $1,000,000. Over $1,000,000 the fee is $202.25 plus 15 cents per $1,000 or fraction over $1,000,000 up to $15,000,000.

SCHEDULE F-1.—SPECIAL DELIVERY

	Weight (pounds)	Fee
First-Class Mail, Airmail and Priority Mail.	2 or less	$0.60
	More than 2, no more than 10.	0.75
	More than 10	0.90
Other Mail	2 or less	0.80
	More than 2, no more than 10.	0.90
	More than 10	1.05

PHASED RATES

Schedules

1—Second-Class Phased Rates: In-County.
2—Second-Class Phased Rates: Publications of Authorized Nonprofit Organizations, Outside County.
3—Second-Class Phased Rates: Classroom Publications, Outside County.
4—Second-Class Phased Rates: Regular Rate Publications, Outside County.
5—Controlled Circulation Phased Rates.
6—Third-Class Phased Rates.
7—Fourth-Class Phased Rates: Special and Library.

SCHEDULE 1—SECOND-CLASS PHASED RATES: IN-COUNTY

Rate category	Pretemporary rate (cents)	Phased rates (cents) Year 1	2	3	4	5	6	7	8	9	10
Pound-rate matter:											
Per-pound	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5
Minimum-per-piece	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2
Per-piece	0.1	0.2	0.3	0.4	0.5	0.6	0.7	0.8	0.9	1.0	
Per-copy-rate matter:											
Issued more frequently than weekly	1.0	1.1	1.2	1.3	1.4	1.6	1.7	1.8	1.9	2.0	2.1
Issued less frequently than weekly:											
Copies weighing 2 ounces or less	1.0	1.1	1.2	1.3	1.4	1.6	1.7	1.8	1.9	2.0	2.1
Copies weighing more than 2 ounces	2.0	2.1	2.2	2.3	2.4	2.6	2.7	2.8	2.9	3.0	3.1

SCHEDULE 2—SECOND-CLASS PHASED RATES: PUBLICATIONS OF AUTHORIZED NONPROFIT ORGANIZATIONS, OUTSIDE COUNTY

	Postage rate unit	Pretemporary rate (cents)	Phased rates (cents) Year 1	2	3	4	5	6	7	8	9	10
Per-pound:												
Nonadvertising portion	Pound	2.1	2.4	2.7	3.0	3.3	3.6	3.8	4.1	4.4	4.7	5.0
Advertising portion:												
Zone:												
1 and 2	do	4.0	4.4	4.8	5.1	5.5	5.9	6.3	6.7	7.0	7.4	7.8
3	do	4.8	5.2	5.5	5.9	6.3	6.7	7.0	7.4	7.8	8.1	8.5
4	do	6.4	6.7	7.1	7.4	7.7	8.1	8.4	8.7	9.0	9.4	9.7
5	do	8.0	8.4	8.7	9.1	9.4	9.8	10.1	10.5	10.8	11.2	11.5
6	do	8.6	9.1	9.6	10.0	10.5	11.0	11.5	12.0	12.4	12.9	13.4
7	do	8.6	9.3	10.0	10.7	11.4	12.1	12.7	13.4	14.1	14.8	15.5
8	do	8.6	9.5	10.4	11.3	12.2	13.2	14.1	15.0	15.9	16.8	17.7
Minimum-per-piece	Piece	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2
Per-piece	do		0.2	0.3	0.5	0.6	0.8	0.9	1.1	1.2	1.4	1.5

SCHEDULE 3—SECOND-CLASS PHASED RATES: CLASSROOM PUBLICATIONS, OUTSIDE COUNTY

	Postage rate unit	Pretemporary rate (cents)	Phased rates (cents) Year 1	2	3	4	5	6	7	8	9	10
Per-pound:												
Nonadvertising portion	Pound	2.04	2.3	2.6	2.9	3.2	3.5	3.8	4.1	4.4	4.7	5.0
Advertising portion:												
Zone:												
1 and 2	do	3.12	3.6	4.1	4.5	5.0	5.5	5.9	6.4	6.9	7.4	7.8
3	do	3.84	4.3	4.8	5.2	5.7	6.2	6.6	7.1	7.6	8.0	8.5
4	do	5.28	5.7	6.2	6.6	7.0	7.5	7.9	8.4	8.8	9.3	9.7
5	do	6.66	7.1	7.6	8.1	8.6	9.1	9.6	10.0	10.5	11.0	11.5
6	do	8.16	8.7	9.2	9.7	10.3	10.8	11.3	11.8	12.4	12.9	13.4
7	do	8.70	9.4	10.1	10.7	11.4	12.1	12.8	13.5	14.1	14.8	15.5
8	do	10.20	11.0	11.7	12.5	13.2	14.0	14.7	15.5	16.2	17.0	17.7
Minimum-per-piece	Piece	0.78	0.8	0.8	0.8	0.8	0.8	0.8	0.8	0.8	0.8	0.8
Per-piece	do		0.1	0.3	0.4	0.6	0.7	0.8	1.0	1.1	1.3	1.4

SCHEDULE 4—SECOND-CLASS PHASED RATES: REGULAR RATE PUBLICATIONS, OUTSIDE COUNTY

	Postage rate unit	Pretemporary rate (cents)	Phased rates (cents) Year 1	2	3	4	5	6	7	8	9	10
Per-pound:												
Non-advertising portion	Pound	3.4	4.2	4.9	5.7	6.4	7.2					
Advertising portion:												
Zone:												
1 and 2	do		5.2	6.0	6.8	7.5	8.3	9.1				
1 and 2 [1]	do		4.2	4.6	4.9	5.3	5.6	6.0	6.4	6.7	7.1	7.4	7.8
3	do		6.4	7.1	7.8	8.4	9.1	9.8				
4	do		8.8	9.2	9.7	10.1	10.6	11.0				
5	do		11.1	11.4	11.8	12.1	12.5	12.8				
6	do		13.6	13.8	14.0	14.3	14.5	14.7				
7	do		14.5	15.0	15.4	15.9	16.3	16.8				
8	do		17.0	17.4	17.8	18.2	18.6	19.0				
Minimum-per-piece [2]	Piece		1.3	1.3	1.3	1.3	1.3	1.3				
Minimum-per-piece [3]	do		0.8	0.8	0.8	0.8	0.8	0.8				
Per-piece [2]	do		0.3	0.6	1.0	1.3	1.6					
Per-piece [3]	do		0.1	0.2	0.3	0.4	0.5	0.5	0.6	0.7	0.8	0.9

[1] Science of agriculture publications.
[2] Publications mailing 5,000 or more copies per issue outside county of publication.
[3] Publications mailing fewer than 5,000 copies per issue outside county of publication.

SCHEDULE 5.—CONTROLLED CIRCULATION PHASED RATES

	Pre-temporary rate (cents)	Phased rates (cents) Year 1	2	3	4	5
Per-pound	15	15	15	15	15	15
Minimum-per-piece	3.8	4.0	4.3	4.5	4.8	5.0

SCHEDULE 6—THIRD-CLASS PHASED RATES

	Pretemporary rate (cents)	Phased rates (cents) Year 1	2	3	4	5	6	7	8	9	10
Single-Piece:											
First 2 ounces	6	8	8	8	8	8					
Each additional ounce	2	2	2	3	3	4					
Regular Bulk:											
Per-pound:											
Ordinary matter	22	23	24	24	25	26					
Books, catalogs, etc	16	17	18	20	21	22					
Minimum-per-piece [1]	3.8	4.0	4.2	4.4	4.6	4.8					
Minimum-per-piece [2]	4.0	4.2	4.4	4.6	4.8	5.0					
Nonprofit Bulk:											
Per-pound:											
Ordinary matter	11	11	11	12	12	12	12	12	13	13	13
Books, catalogs, etc	8	8	9	9	9	10	10	10	10	11	11
Minimum-per-piece	1.6	1.7	1.7	1.8	1.8	1.9	1.9	2.0	2.0	2.1	2.1

[1] First 250,000 pieces sent annually by a mailer.
[2] Pieces in excess of first 250,000 sent annually by a mailer.

SCHEDULE 7—FOURTH-CLASS PHASED RATES: SPECIAL AND LIBRARY

	Pre-temporary rate (cents)	Phased rates (cents) Year 1	2	3	4	5	6	7	8	9	10
Special:											
First pound	12	14	16	17	19	21					
Each additional pound	6	7	8	8	9	10					
Library:											
First pound	5	6	6	7	7	8	8	9	9	10	10
Each additional pound	2	2	3	3	3	4	4	4	4	5	5

INTERNATIONAL MAIL

3. Postage rates and fees for international mail, established pursuant to 39 U.S.C. sec. 407, United States Code, have historically been structured in relationship to corresponding domestic rates and fees, when permissible under applicable Postal Union Conventions. In keeping with this practice those temporary rates and fees for international mail set out in the daily issue of May 4, 1971 (36 F.R. 8333) which have not previously been made permanent by the document published at 36 F.R. 11505, are hereby made permanent effective at 12:01 a.m. on July 6, 1972. The new schedules of rates applicable to regular printed matter destined for foreign countries, set forth below, are effective at 12:01 a.m. on July 6, 1972.

a. *To Canada and Mexico.*

lbs.	oz.	Rate	lbs.	oz.	Rate	lbs.	oz.	Rate
0	2	$0.08	0	7	$0.28	0	12	$0.48
0	3	.12	0	8	.32	0	13	.52
0	4	.16	0	9	.36	0	14	.56
0	5	.20	0	10	.40	0	15	.60
0	6	.24	0	11	.44	1	0	.64

Over 1 pound but not over 2 pounds	.75
Over 2 pounds but not over 4 pounds	.96
Each additional 2 pounds or fraction	.48

b. *To other countries.*

lbs.	oz.	Rate	lbs.	oz.	Rate	lbs.	oz.	Rate
0	2	$0.08	0	8	$0.26	2	0	$0.75
0	4	.14	1	0	.48	4	0	.96

Each additional 2 pounds or fraction	.48

(39 U.S.C. secs. 101(d), 401, 403, 404, 407, 3621, 3625, 3626, 3627)

LOUIS A. COX,
General Counsel.

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