federal register

TUESDAY, JULY 11, 1972
WASHINGTON, D.C.

Volume 37 ■ Number 133

Pages 13515–13601

PART I

(Part II begins on page 13593)

STUDENT LOANS—HEW sets second quarter 1972 interest rate at three-quarter percent 13530

CROP PAYMENTS/MARKETING CERTIFICATES—USDA grants leeway regarding incomplete compliance with certain programs; effective 7–11–72 13526

CHICKEN FEED ADDITIVE—FDA approves use of an antibiotic (clopidol); effective 7–11–72 13531

SOFT DRINK BOTTLES—FDA, citing environmental considerations, proposes continued use of returnable bottles for dietary soft drinks that bear cyclamate labeling; comments within 60 days 13556

RESOURCE CONSERVATION AND DEVELOPMENT LOANS—USDA proposes rural resident benefits as precondition; comments within 30 days 13555

FLOOD ASSISTANCE—OEP declares additional Maryland counties and Sacramento County, California, eligible for assistance (2 documents) 13586

CATTLE ANTITICK BATH—USDA adds proprietary brands of toxaphene to permitted list; effective 7–11–72 13529

AGRICULTURAL WORKERS—Labor Dept. Standards Advisory Committee on Agriculture will hold 7–26–72 public hearing on health and safety matters 13587

INCOME TAX—
- IRS regulations for moving expenses and certain bonds or debts payable on demand (2 documents) 13531, 13533
- IRS to hold 8–8–72 public hearings on proposed regulations concerning trusts, private foundations, and membership organizations 13553

(Continued Inside)

Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of June 1, 1972)

Title 20—Employees' Benefits (Part 400–End) $3.00
Title 32—National Defense (Parts 40–399) 2.75
Title 46—Shipping (Parts 1–65) 2.75

[*A Cumulative checklist of CFR issuances for 1972 appears in the first issue of the Federal Register each month under Title 1*]

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

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

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

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

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

MULTIPLE FAMILY DWELLINGS—HUD proposes minimum investment requirement for mortgagors other than displaced families; comments by 8-9-72 ... 13557

COASTAL MARINE RADIO—FCC changes rules concerning certain operating procedures and frequency assignments of Public and Limited Coast Stations; effective 8-14-72 ... 13548

PROTECTING THE ENVIRONMENT—Council on Environmental Quality reviews impact of proposed Federal projects ... 13569

APPAREL CARE LABELING—FTC proposes changes in "dry clean" labeling; comments by 8-10-72 ... 13560

COTTON LOANS—USDA makes various changes to warehouse receipt procedures, including elimination of gross weight requirement ... 13528

EFFECTIVE DRUGS—FDA evaluates certain bronchial drugs, vasodilators, steroids, and sulfa compounds, Mepergan Injection, Librium, and a diarrhea remedy (7 documents) ... 13562-13566

Contents

AGRICULTURAL MARKETING SERVICE

Rules and Regulations

Expenses and rate of assessment:
- Fresh peaches grown in Georgia ... 13527
- Nectarines grown in California ... 13527

Tobacco inspection; Virginia fire-cured; official standards ... 13521

Valencia oranges grown in Arizona and California; handling limitation ... 13527

Proposed Rule Making

Irish potatoes grown in California and Oregon; shipments limitation ... 13553

Notices

Chicago, Ill., grain inspection point; termination as official inspection agency; correction ... 13561

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules and Regulations

Set-aside programs; authority to make payments when there has been a failure to comply fully ... 13526

AGRICULTURE DEPARTMENT

See also Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Animal and Plant Health Inspection Service; Commodity Credit Corporation; Farmers Home Administration.

Notices

Michigan; designation of areas for emergency loans ... 13562

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Rules and Regulations

Texas fever in cattle; permitted dips ... 13529

Notices

Humanely slaughtered livestock; identification of carcasses; changes in lists of establishments ... 13561

ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT OFFICE

Proposed Rule Making

Low cost and moderate income mortgage insurance; mortgagor's minimum investment ... 13557

CIVIL AERONAUTICS BOARD

Notices

Hearings, etc.:
- Aerlinte Eireann Teoranta ... 13569
- Airlift International Airlines, Inc. ... 13568
- Bahamas World Airlines Ltd ... 13568
- Baker, Oreg.; Ontario, Oreg./ Payette, Idaho; Roseburg, Oreg. deletion case ... 13568
- Express service investigation ... 13569
- Frontier Airlines, Inc ... 13569
- Texas International Airlines, Inc. ... 13569

COAST GUARD

Proposed Rule Making

Pollock Rip Entrance and Great Round Shoal Entrance, Mass.; boundary lines of inland waters ... 13557

Two avenues of escape; tank, cargo and oceanographic vessels; withdrawal of proposal ... 13557

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Notices

Certain cotton textile products produced or manufactured in British Honduras; entry or withdrawal from warehouse for consumption ... 13569

COMMODITY CREDIT CORPORATION

Rules and Regulations

Cotton loan program ... 13528

COMPTROLLER OF THE CURRENCY

Notices

Insured banks; joint call for report of condition; cross reference ... 13561

EDUCATION OFFICE

Rules and Regulations

Federal, State and private programs of low-interest loans to students in institutions of higher education; special allowances ... 13530

EMERGENCY PREPAREDNESS OFFICE

Notices

Federal Coordinating Officers; appointments (5 documents) ... 13585, 13586

Major disaster and related determinations:
- California ... 13586
- Maryland ... 13586

ENVIRONMENTAL QUALITY COUNCIL

Notices

Environmental impact statements; public availability ... 13569

FARMERS HOME ADMINISTRATION

Proposed Rule Making

Community facilities; resource conservation and development loan policies and authorizations ... 13555

(*Continued on next page*)

FEDERAL AVIATION ADMINISTRATION

Rules and Regulations

Control zone and transition area; alteration ---- 13529

Proposed Rule Making

SIAI Marchetti airplanes; airworthiness directive; correction ---- 13558
Transition areas:
Alteration ---- 13558
Designation ---- 13558

FEDERAL COMMUNICATIONS COMMISSION

Rules and Regulations

Assignment of construction permits and licenses; forms to be used ---- 13544
Listening watches; assignment of more than one frequency ---- 13548
Table of assignments:
FM broadcast stations in certain cities ---- 13545
Television broadcast stations in Melbourne, Fla ---- 13547

Proposed Rule Making

FM broadcast stations in Massachusetts, Michigan, and Indiana; table of assignments ---- 13559
Sponsorship identification; extension of time for filing comments ---- 13559

Notices

Canadian television channel allocations; additions to table ---- 13571

FEDERAL DEPOSIT INSURANCE CORPORATION

Notices

Insured banks; joint call for report of condition ---- 13571

FEDERAL HOME LOAN BANK BOARD

Rules and Regulations

Housing opportunity allowance program; correction ---- 13529

FEDERAL MARITIME COMMISSION

Notices

Agreements filed:
Gulf-Puerto Rico Lines, Inc., and Sea-Land Service, Inc ---- 13572
Rohner, Gehrig & Co., Inc., et al ---- 13572
Showa Shipping Co., Ltd., et al ---- 13572

FEDERAL POWER COMMISSION

Proposed Rule Making

Accounting and rate treatment of advance payments for gas development and production ---- 13559

Notices

Hearings, etc.:
Amco Petroleum Co., Inc., et al ---- 13573
Bangor-Hydro Electric Co ---- 13575
CAR-TEX Producing Co. et al ---- 13585
Duke Power Co ---- 13575
El Paso Natural Gas Co. (3 documents) ---- 13576, 13577
Florida Gas Transmission Co ---- 13577
Georgia Power Co. (2 documents) ---- 13577, 13578
Gulf Oil Corp. et al ---- 13578
Monongahela Power Co. et al ---- 13584
Natural Gas Pipeline Company of America ---- 13579
Northern Natural Gas Co ---- 13581
Orange and Rockland Utilities, Inc. (3 documents) ---- 13582
Panhandle Eastern Pipe Line Co ---- 13584
Phillips Petroleum Co ---- 13583
Public Utility District No. 1, Douglas County, Wash ---- 13583
Texas Eastern Transmission Corp ---- 13585
Washington Natural Gas Co ---- 13585

FEDERAL RESERVE SYSTEM

Notices

Insured banks; joint call for report of condition; cross reference ---- 13585

FEDERAL TRADE COMMISSION

Rules and Regulations

Packaging and labeling; exemptions; solder; confirmation of effective date ---- 13530

Proposed Rule Making

Care labeling of textile wearing apparel; trade regulation and opportunity to submit data ---- 13560

FISCAL SERVICE

Notices

Companies holding certificates of authority as acceptable sureties on Federal bonds and as acceptable reinsuring companies ---- 13594

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

New animal drugs; clopidol ---- 13531

Proposed Rule Making

Use of lithographed bottles bearing label declaration for cyclamates; policy statement ---- 13556

Notices

Drugs for human use; efficacy study implementations:
Certain peripheral vasodilators ---- 13565
Certain steroid combination preparations for oral use ---- 13566
Chlordiazepoxide or chlordiazepoxide hydrochloride preparations ---- 13562
Colistin sulfate for oral suspension; follow-up ---- 13563
Meperidine hydrochloride and promethazine hydrochloride for parenteral use ---- 13563
Parenteral bronchodilators ---- 13564
Merck, Sharp & Dohme and Schering Corp.; poorly absorbed sulfonamides for oral or rectal use; opportunity for hearing ---- 13566

HAZARDOUS MATERIALS REGULATIONS BOARD

Notices

Special permits issued or denied ---- 13568

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Education Office; Food and Drug Administration.

Notices

Public Health Service and Food and Drug Administration; organization, functions, and delegations of authority ---- 13567

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See Assistant Secretary for Housing Production and Mortgage Credit Office.

INDIAN AFFAIRS BUREAU

Rules and Regulations

Contracting officer positions; designation ---- 13530

INTERIOR DEPARTMENT

See also Indian Affairs Bureau; Land Management Bureau.

Notices

Bandelier Pollution Abatement Project, Bandelier National Monument, N. Mex.; availability of draft environmental statement ---- 13561

INTERNAL REVENUE SERVICE

Rules and Regulations

Income and employment taxes; treatment of payments for expenses of moving ---- 13533
Income tax; installment method treatment of purchaser evidences of indebtedness payable on demand or readily tradable ---- 13531

Proposed Rule Making

Tax regulations; public hearings ---- 13553

INTERSTATE COMMERCE COMMISSION

Notices

Assignment of hearings ---- 13588
Certificates of public convenience and necessity:
Auto Driveaway Co. extension; motorhomes ---- 13589
Hofer Motor Transportation Co. extension; food products ---- 13589
Motor Carrier Board transfer proceedings (2 documents) ---- 13588
Perishable freight and icing services, U.S. railroads; consolidation of proceedings ---- 13590
Transportation of household goods in interstate or foreign commerce; reservation of vehicle space by shippers ---- 13590

LABOR DEPARTMENT

See Occupational Safety and Health Administration.

LAND MANAGEMENT BUREAU

Rules and Regulations

California; public land order____ 13543

Notices

California; records not available and change of location________ 13561

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Notices

Standards Advisory Committee on Agriculture; establishment and meeting ____________________ 13587

SECURITIES AND EXCHANGE COMMISSION

Notices

Delmarva Power & Light Co.; post-effective amendment regarding issuance and sale of notes to dealer in commercial paper___ 13587

TARIFF COMMISSION

Notices

Handley Mills, Inc.; workers' petition for determination; investigation ____________________ 13587

TRANSPORTATION DEPARTMENT

See also Coast Guard; Federal Aviation Administration; Hazardous Materials Regulations Board.

Rules and Regulations

Organization and public availability of information; miscellaneous amendments__________ 13552

TREASURY DEPARTMENT

See also Comptroller of the Currency; Fiscal Service; Internal Revenue Service.

Notices

Republic of China; guaranteed foreign military sales loan agreement; results of competitive bidding_________________ 13561

List of CFR Parts Affected

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

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

3 CFR

EXECUTIVE ORDER:

4202 (revoked in part by PLO 5224) ______________________ 13543

7 CFR

29____________________________ 13521
791___________________________ 13526
908___________________________ 13527
916___________________________ 13527
918___________________________ 13527
1427__________________________ 13528

PROPOSED RULES:

947___________________________ 13553
1823__________________________ 13555

9 CFR

72____________________________ 13529

12 CFR

527___________________________ 13529

14 CFR

71____________________________ 13529

PROPOSED RULES:

39____________________________ 13558
71 (2 documents)______________ 13558

16 CFR

501___________________________ 13530

PROPOSED RULES:

423___________________________ 13560

18 CFR

PROPOSED RULES:

154___________________________ 13559
201___________________________ 13559
260___________________________ 13559

21 CFR

135e__________________________ 13531

PROPOSED RULES:

3_____________________________ 13556

24 CFR

PROPOSED RULES:

221___________________________ 13557

26 CFR

1 (2 documents)__________ 13531, 13533
31____________________________ 13533

PROPOSED RULES:

1_____________________________ 13553
53____________________________ 13553
301___________________________ 13553

33 CFR

PROPOSED RULES:

82____________________________ 13557

41 CFR

14H-1_________________________ 13530

43 CFR

PUBLIC LAND ORDER:

5224__________________________ 13543

45 CFR

177___________________________ 13530

46 CFR

PROPOSED RULES:

32____________________________ 13557
92____________________________ 13557
190___________________________ 13557

47 CFR

1_____________________________ 13544
73 (2 documents)_________ 13545, 13547
81____________________________ 13548

PROPOSED RULES:

73 (2 documents)______________ 13559
76____________________________ 13559

49 CFR

1_____________________________ 13552
7_____________________________ 13552

Rules and Regulations

Title 7—AGRICULTURE

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

SUBCHAPTER A—COMMODITY STANDARDS AND STANDARD CONTAINER REGULATIONS

PART 29—TOBACCO INSPECTION

Subpart C—Standards

OFFICIAL STANDARDS FOR VIRGINIA FIRE-CURED TOBACCO

On May 27, 1972, notice of proposed rule making regarding the issuance of official Standard Grades for Virginia Fire-cured Tobacco, U.S. Type 21, was published in the FEDERAL REGISTER (37 F.R. 10738).

Statement of consideration. Grade standards for tobacco are issued under the authority of the Tobacco Inspection Act of 1935 which provides for the issuance of official U.S. grades to designate different levels of quality for the use of producers and buyers. Official grading service is also provided under the Act on both a mandatory and a permissive basis.

The current standards for Virginia Fire-cured have been in effect since November 1959. They will be superseded by the new standards which are designed to more accurately describe the tobacco now being produced.

The changes constituting the revision are supported by supervisory inspection personnel, as well as producer and industry groups.

This revision deletes three variegated grades, C3K, C4K, and C5K, and combines the small quantity of variegated tobacco with mixed color tobacco. It provides size 47 to cover the longer first—and second—quality tobacco now being produced, and incorporates a chart of 4-inch sizes. Elements of quality are revised to eliminate leaf surface and to limit the range of degrees to three in all elements except width which contains four degrees. Definitions and terminology are updated to correspond with changes in the standards and present-day usage.

Interested persons were given 30 days in which to submit written data, views, or arguments regarding the proposed standards. No data have been received. After consideration of all relevant facts, the standards as so proposed are hereby adopted without change and are set forth below.

Effective date. These standards shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 6th day of July 1972.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

1. Subpart C of Part 29 is revised by deleting §§ 29.2251 through 29.2432 and substituting therefor the following:

OFFICIAL STANDARD GRADES FOR VIRGINIA FIRE-CURED TOBACCO (U.S. TYPE 21)

DEFINITIONS

Sec.
29.2251 Definitions.
29.2252 Air-dried.
29.2253 Body.
29.2254 Brown colors.
29.2255 Class.
29.2256 Clean.
29.2257 Color.
29.2258 Color intensity.
29.2259 Color symbols.
29.2260 Condition.
29.2261 Crude.
29.2262 Cured.
29.2263 Damage.
29.2264 Dirty.
29.2265 Elasticity.
29.2266 Elements of quality.
29.2267 Fiber.
29.2268 Finish.
29.2269 Fire-cured.
29.2270 Foreign matter.
29.2271 Form.
29.2272 Grade.
29.2273 Grademark.
29.2274 Green (G).
29.2275 Group.
29.2276 Injury.
29.2277 Leaf scrap.
29.2278 Leaf structure.
29.2279 Length.
29.2280 Lot.
29.2281 Maturity.
29.2282 Mixed color or variegated (M).
29.2283 Nested.
29.2284 No grade.
29.2285 Offtype.
29.2286 Oil.
29.2287 Order (case).
29.2288 Package.
29.2289 Packing.
29.2290 Premature primings.
29.2291 Quality.
29.2292 Resweated.
29.2293 Rework.
29.2294 Semicured.
29.2295 Side.
29.2296 Size.
29.2297 Sound.
29.2298 Special factor.
29.2299 Steam-dried.
29.2300 Stem.
29.2301 Stemmed.
29.2302 Strength.
29.2303 Strips.
29.2304 Subgrade.
29.2305 Sweated.
29.2306 Sweating.
29.2307 Tobacco.
29.2308 Tobacco products.
29.2309 Type.
29.2310 Type 21.
29.2311 Undried.
29.2312 Uniformity.
29.2313 Unsound (U).
29.2314 Unstemmed.
29.2315 Wet (W).
29.2316 Width.

ELEMENTS OF QUALITY

29.2351 Elements of quality and degrees of each element.

SIZES

29.2371 U.S. standard 4-inch sizes.

RULES

29.2391 Rules.
29.2392 Rule 1.
29.2393 Rule 2.
29.2394 Rule 3.
29.2395 Rule 4.
29.2396 Rule 5.
29.2397 Rule 6.
29.2398 Rule 7.
29.2399 Rule 8.
29.2400 Rule 9.
29.2401 Rule 10.
29.2402 Rule 11.
29.2403 Rule 12.
29.2404 Rule 13.
29.2405 Rule 14.
29.2406 Rule 15.
29.2407 Rule 16.
29.2408 Rule 17.
29.2409 Rule 18.
29.2410 Rule 19.
29.2411 Rule 20.
29.2412 Rule 21.
29.2413 Rule 22.

GRADES

29.2436 Wrappers (A Group).
29.2437 Heavy Leaf (B Group).
29.2438 Thin Leaf (C Group).
29.2439 Lugs (X Group).
29.2440 Nondescript (N Group).
29.2441 Scrap (S Group).

SUMMARY OF STANDARD GRADES

29.2461 Summary of standard grades.

KEY TO STANDARD GRADEMARKS

29.2481 Key to standard grademarks.

AUTHORITY: The provisions of this Subpart C issued under the Tobacco Inspection Act (49 Stat. 731; 7 U.S.C. 511 et seq.).

DEFINITIONS

§ 29.2251 Definitions.

As used in these standards, the words and phrases hereinafter defined shall have the indicated meanings so assigned.

§ 29.2252 Air-dried.

The condition of unfermented tobacco as customarily prepared for storage under natural atmospheric conditions.

§ 29.2253 Body.

The thickness and density of a leaf or the weight per unit of surface. (See chart, § 29.2351.)

§ 29.2254 Brown colors.

A group of colors ranging from a reddish brown to yellowish brown. These colors vary from low to medium saturation

and from very low to medium brilliance. As used in these standards, the range is expressed as light brown (L), medium brown (F), and dark brown (D).

§ 29.2255 Class.

A major division of tobacco based on method of cure or principal usage.

§ 29.2256 Clean.

Tobacco is described as clean when it contains only a normal amount of sand or soil particles. Leaves grown on the lower portion of the stalk normally contain more dirt or sand than those from higher stalk positions. (See rule 4, § 29.2395.)

§ 29.2257 Color.

The third factor of a grade based on the relative hues, saturation or chroma, and color values common to the type.

§ 29.2258 Color intensity.

The varying degree of saturation or chroma. Color intensity as applied to tobacco describes the strength or weakness of a specific color or hue. It is applicable to brown colors. (See chart, § 29.2351.)

§ 29.2259 Color symbols.

As applied to this type, color symbols are L—light brown, F—medium brown, D—dark brown, M—mixed or variegated, and G—green.

§ 29.2260 Condition.

The state of tobacco which results from the method of preparation or from the degree of fermentation. Words used to describe the condition of tobacco are undried, air-dried, steam-dried, sweating, sweated, and aged.

§ 29.2261 Crude.

A subdegree of maturity. Crude leaves are usually hard and slick as a result of extreme immaturity. A similar condition may result from fire-kill, sunburn, or sunscald. Any leaf which is crude to the extent of 20 percent or more of its surface may be described as crude. (See rule 19, § 29.2410.)

§ 29.2262 Cured.

Tobacco dried of its sap by either natural or artificial processes.

§ 29.2263 Damage.

The effect of mold, must, rot, black rot, or other fungous or bacterial diseases which attack tobacco in its cured state. Tobacco having the odor of mold, must, or rot is considered damaged. (See rule 20, § 29.2411.)

§ 29.2264 Dirty.

The state of tobacco containing an abnormal amount of dirt or sand, or tobacco to which additional quantities of dirt or sand have been added. (See rule 22, § 29.2413.)

§ 29.2265 Elasticity.

The flexible, springy nature of the tobacco leaf to recover approximately its original size and shape after it has been stretched. (See chart, § 29.2351.)

§ 29.2266 Elements of quality.

Physical characteristics used to determine the quality of tobacco. Words selected to describe degrees within each element are shown in the chart in § 29.2351.

§ 29.2267 Fiber.

The term applied to the veins in a tobacco leaf. The large central vein is called the midrib or stem. The smaller lateral and cross veins are considered from the standpoint of size and color.

§ 29.2268 Finish.

The reflectance factor in color perception. Finish indicates the sheen or shine of the surface of a tobacco leaf. (See chart, § 29.2351.)

§ 29.2269 Fire-cured.

Tobacco cured under artificial atmospheric conditions by the use of open fires from which the smoke and fumes of burning wood are partly absorbed by the tobacco.

§ 29.2270 Foreign matter.

Any extraneous substance or material such as stalks, suckers, straw, strings, rubber bands, and abnormal amounts of dirt or sand. (See rule 22, § 29.2413.)

§ 29.2271 Form.

The stage of preparation of tobacco such as unstemmed or stemmed.

§ 29.2272 Grade.

A subdivision of a type according to group, quality, and color.

§ 29.2273 Grademark.

A grademark normally consists of three symbols which indicate group, quality, and color. A letter is used to indicate group, a number to indicate quality, and a letter or letters to indicate color. For example, B3D means Heavy Leaf, good quality, and dark-brown color.

§ 29.2274 Green (G).

A term applied to green-colored tobacco. Any leaf which has a green color affecting 20 percent or more of its surface may be described as green. (See rule 18, § 29.2409.)

§ 29.2275 Group.

A division of a type covering closely related grades based on certain characteristics which are usually related to stalk position, body, or the general quality of the tobacco. Groups in this type are Wrappers (A), Heavy Leaf (B), Thin Leaf (C), Lugs (X), Nondescript (N), and Scrap (S).

§ 29.2276 Injury.

Hurt or impairment from any cause except the fungous or bacterial diseases which attack tobacco in its cured state. (See rule 16, § 29.2407.)

§ 29.2277 Leaf scrap.

A byproduct of unstemmed tobacco. Leaf scrap results from handling unstemmed tobacco and consists of tangled whole or broken leaves.

§ 29.2278 Leaf structure.

The cell development of a leaf as indicated by its porosity. (See chart, § 29.2351.)

§ 29.2279 Length.

The linear measurement of cured tobacco leaves from the butt of the midrib to the extreme tip.

§ 29.2280 Lot.

A pile, basket, bulk, or more than one bale, case, hogshead, tierce, package, or other definite package unit.

§ 29.2281 Maturity.

The degree of ripeness. (See chart, § 29.2351.)

§ 29.2282 Mixed color or variegated (M).

Distinctly different colors of the type mingled together, or any leaf of which 20 percent or more of its surface is off brown, grayish, mottled, or bleached and does not blend with the normal colors of the type or group. (See rule 17, § 29.2408.)

§ 29.2283 Nested.

Any tobacco which has been loaded, packed, or arranged to conceal foreign matter or tobacco of inferior grade, quality, or condition. (See rule 22, § 29.2413.)

§ 29.2284 No grade.

A designation applied to a lot of tobacco classified as nested, offtype, rework, semicured, or premature primings; tobacco that is damaged 20 percent or more, abnormally dirty, extremely wet or watered, contains foreign matter, or has an odor foreign to the type. (See rule 22, § 29.2413.)

§ 29.2285 Offtype.

Tobacco of distinctly different characteristics which cannot be classified as Fire-cured, U.S. Type 21. (See rule 22, § 29.2413.)

§ 29.2286 Oil.

A soft, semifluid constituent of tobacco. (See chart, § 29.2351.)

§ 29.2287 Order (case).

The state of tobacco with respect to its moisture content.

§ 29.2288 Package.

A hogshead, tierce, case, bale, or other securely enclosed parcel or bundle.

§ 29.2289 Packing.

A lot of tobacco consisting of a number of packages submitted as one definite unit for sampling or inspection. It is represented to contain the same kind of tobacco and has a common identification number or mark on each package.

§ 29.2290 Premature primings.

Ground leaves harvested before reaching complete growth and development. These leaves lack body and strength. (See rule 22, § 29.2413.)

§ 29.2291 Quality.

A division of a group or the second factor of a grade based on the relative degree of one or more elements of quality.

§ 29.2292 Resweated.

The condition of tobacco which has passed through a second fermentation under abnormally high temperatures or refermented with a relatively high percentage of moisture. Resweated includes tobacco which has been dipped or reconditioned after its first fermentation and put through a forced or artificial sweat.

§ 29.2293 Rework.

Any lot of tobacco which needs to be resorted or otherwise reworked to prepare it properly for market, including: (a) Tobacco which is so mixed that it cannot be classified properly in any grade of the type, because the lot contains a substantial quantity of two or more distinctly different grades which should be separated by sorting; (b) tobacco which contains an abnormally large quantity of foreign matter or an unusual number of muddy or extremely dirty leaves which should be removed; and (c) tobacco not packed straight or otherwise not properly prepared for market. (See rule 22, § 29.2413.)

§ 29.2294 Semicured.

Tobacco in the process of being cured or which is partially but not thoroughly cured. Semicured includes tobacco which contains fat stems, wet butts, swelled stems, or stems that have not been thoroughly dried in the curing process. (See rule 22, § 29.2413.)

§ 29.2295 Side.

A certain phase of quality, color, or length as contrasted with some other phase of quality, color, or length; or any peculiar characteristics of tobacco.

§ 29.2296 Size.

The length of tobacco leaves. (See chart, § 29.2371.)

§ 29.2297 Sound.

Free of damage.

§ 29.2298 Special factor.

A symbol or term authorized to be used with specified grades. Tobacco to which a special factor is applied may meet the general specifications but has a peculiar side or characteristic which tends to modify the grade. (See rule 10, § 29.2401.)

§ 29.2299 Steam-dried.

The condition of unfermented tobacco as customarily prepared for storage by means of a redrying machine or other steam-conditioning equipment.

§ 29.2300 Stem.

The midrib or large central vein of a tobacco leaf.

§ 29.2301 Stemmed.

A form of tobacco, including strips and strip scrap, from which the stems or midribs have been removed.

§ 29.2302 Strength.

The stress a tobacco leaf can bear without tearing. (See chart, § 29.2351.)

§ 29.2303 Strips.

The sides of a tobacco leaf from which the stem has been removed or a lot of tobacco composed of strips.

§ 29.2304 Subgrade.

Any grade modified by a special factor symbol.

§ 29.2305 Sweated.

The condition of tobacco which has passed through one or more fermentations natural to tobacco packed with a normal percentage of moisture. This condition is sometimes described as aged.

§ 29.2306 Sweating.

The condition of tobacco in the process of fermentation.

§ 29.2307 Tobacco.

Tobacco as it appears between the time it is cured and stripped from the stalk, or primed and cured, and the time it enters into the different manufacturing processes. The acts of stemming, sweating, and conditioning are not regarded as manufacturing processes. Tobacco, as used in these standards, does not include manufactured or semimanufactured products, stems, cuttings, clippings, trimmings, siftings, or dust.

§ 29.2308 Tobacco products.

Manufactured tobacco, including cigarettes, cigars, smoking tobacco, chewing tobacco, and snuff.

§ 29.2309 Type.

A division of a class of tobacco having certain common characteristics and closely related grades. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths is classified as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

§ 29.2310 Type 21.

That type of fire-cured tobacco, known as Virginia Fire-cured or Dark-fired, produced principally in the Piedmont and mountain sections of Virginia.

§ 29.2311 Undried.

The condition of unfermented tobacco which has not been air-dried or steam-dried.

§ 29.2312 Uniformity.

An element of quality which describes the consistency of a lot of tobacco as it is prepared for market. Uniformity is expressed as a percentage in grade specifications. (See rule 15, § 29.2406.)

§ 29.2313 Unsound (U).

Damaged under 20 percent. (See rule 20, § 29.2411.)

§ 29.2314 Unstemmed.

A form of tobacco, including whole leaf and leaf scrap, from which the stems or midribs have not been removed.

§ 29.2315 Wet (W).

Any sound tobacco containing excessive moisture to the extent that it is in unsafe or doubtful-keeping order. Wet applies to any tobacco which is not damaged but which is likely tc damage if treated in the customary manner. (See rule 21, § 29.2412.) (For extremely wet or watered tobacco, see rule 22, § 29.2413.)

§ 29.2316 Width.

The relative breadth of a tobacco leaf expressed in relation to its length. (See chart, § 29.2351.)

ELEMENTS OF QUALITY

§ 29.2351 Elements of quality and degrees of each element.

Tobacco attributes or characteristics which constitute quality are designated as elements of quality. The range within each element is expressed by words or terms designated as degrees. These degrees are arranged to show their relative value and are used in determining the quality of tobacco. The actual value of each degree varies with group.

Elements	Degrees		
Body	Thin	Medium	Heavy.
Maturity	Immature	Mature	Ripe.
Leaf structure	Close	Firm	Open.
Oil	Lean	Oily	Rich.
Elasticity	Inelastic	Semielastic	Elastic.
Strength	Weak	Normal	Strong.
Finish	Dull	Clear	Bright.
Color Intensity	Pale	Moderate	Deep.
Width	Narrow	Normal	Spready Broad.
Uniformity	Expressed in percentages.		
Injury tolerance.	Expressed in percentages.		

SIZES

§ 29.2371 U.S. standard 4-inch sizes.[1]

Inches	*Size*
12–16	43
16–20	44
20–24	45
24–28	46
Over 28	47

[1] The application of sizes is governed by the major portion of the lot or package.

RULES

§ 29.2391 Rules.

The application of these official standard grades shall be in accordance with the following rules.

§ 29.2392 Rule 1.

Each grade shall be treated as a subdivision of a particular type. When the grade is stated in an inspection certificate, the type also shall be stated.

§ 29.2393 Rule 2.

The determination of a grade shall be based upon a thorough examination of a lot of tobacco or of an official sample of the lot.

§ 29.2394 Rule 3.

In drawing an official sample from a hogshead or other package of tobacco, two or more breaks shall be made at such points and in such manner as the inspector or sampler may find necessary to determine the kinds of tobacco and the percentage of each kind contained in the lot. All breaks shall be made so that the tobacco contained in the center of the

package is visible to the sampler. Tobacco shall be drawn from at least two breaks from which a representative sample shall be selected.

§ 29.2395 Rule 4.

All standard grades must be clean.

§ 29.2396 Rule 5.

The grade assigned to any lot of tobacco shall be a true representation of the tobacco at the time of inspection and certification. If, at any time, it is found that a lot of tobacco does not comply with the specifications of the grade previously assigned it shall not thereafter be represented as such grade.

§ 29.2397 Rule 6.

A lot of tobacco on the marginal line between two colors shall be placed in the color with which it best corresponds with respect to body or other associated elements of quality.

§ 29.2398 Rule 7.

Any lot of tobacco which meets the specifications of two grades shall be placed in the higher grade. Any lot of tobacco on the marginal line between two grades shall be placed in the lower grade.

§ 29.2399 Rule 8.

A lot of tobacco meets the specifications of a grade when it is not lower in any degree of any element of quality than the minimum specifications of such grade.

§ 29.2400 Rule 9.

In determining the grade of a lot of tobacco, the lot as a whole shall be considered. Minor irregularities which do not affect over 1 percent of the tobacco shall be overlooked.

§ 29.2401 Rule 10.

Any special factor symbol approved by the Director of the Tobacco Division, Agricultural Marketing Service, may be used after a grademark to show a peculiar side or characteristic of the tobacco which tends to modify the grade.

§ 29.2402 Rule 11.

Interpretations, the use of specifications, and the meaning of terms shall be in accordance with determinations or clarifications made by the Chief of the Standards and Testing Branch and approved by the Director.

§ 29.2403 Rule 12.

The use of any grade may be restricted by the Director during any marketing season, when it is found that the grade is not needed or appears in insufficient volume to justify its use.

§ 29.2404 Rule 13.

Length shall be stated in connection with each grade of the A, B, and C groups and may be stated in connection with the grades of other groups. The 4-inch series of U.S. standard tobacco sizes shall be used.

§ 29.2405 Rule 14.

U.S. standard tobacco size 45 shall be used to designate X group tobacco of M or G color when such tobacco is 20 inches or over in length.

§ 29.2406 Rule 15.

Uniformity shall be expressed in percentages. These percentages shall govern the portion of a lot which must meet each specification of the grade. The minor portion must be closely related but may be of a different group, quality, and color from the major portion. Specified percentages of uniformity shall not affect limitations established by other rules.

§ 29.2407 Rule 16.

Injury tolerance shall be expressed in percentages. The appraisal of injury shall be based upon the percentage of affected leaf surface or the degree of injury. In appraising injury, consideration shall be given to the normal characteristics of the group.

§ 29.2408 Rule 17.

Any lot of tobacco of the B, C, or X groups containing over 30 percent of mixed color or variegated leaves or over 30 percent of mixed color and variegated leaves combined shall be classified as "mixed" and designated by the color symbol "M."

§ 29.2409 Rule 18.

Any lot of tobacco containing 20 percent or more of green leaves or any lot which is not crude but contains 20 percent or more of green and crude combined shall be designated by the color symbol "G."

§ 29.2410 Rule 19.

Crude leaves shall not be included in any grade of any color except green. Any lot containing 20 percent or more of crude leaves shall be designated Nondescript.

§ 29.2411 Rule 20.

Tobacco damaged under 20 percent but which otherwise meets the specifications of a grade shall be treated as a subgrade by placing the special factor "U" after the grademark. Tobacco damaged 20 percent or more shall be designated "No-G."

§ 29.2412 Rule 21.

Sound tobacco that is wet or in doubtful-keeping order but which otherwise meets the specifications of a grade shall be treated as a subgrade by placing the special factor "W" after the grademark. This special factor does not apply to tobacco designated "No-G."

§ 29.2413 Rule 22.

Tobacco shall be designated No Grade, using the grademark "No-G," when it is classified as dirty, nested, offtype, semicured, premature primings, damaged 20 percent or more, extremely wet or watered, or when it needs to be reworked, contains foreign matter, or has an odor foreign to type.

GRADES

§ 29.2436 Wrappers (A Group).

This group consists of leaves usually grown at or above the center portion of the stalk. Cured leaves of the A group show a low percentage of injury affecting wrapper yield. Wrappers are high in oil, very elastic, and have a smooth leaf surface.

U.S. grades	*Grade names and specifications*
A1F	Choice Medium-brown Wrappers Medium body, ripe, firm, rich in oil, elastic, strong, bright finish, deep color intensity, broad, 95 percent uniform, and 5 percent injury tolerance.
A2F	Fine Medium-brown Wrappers Medium body, ripe, firm, rich in oil, elastic, strong, clear finish, deep color intensity, spready, 90 percent uniform, and 10 percent injury tolerance.
A1D	Choice Dark-brown Wrappers Heavy, ripe, firm, rich in oil, elastic, strong, bright finish, deep color intensity, broad, 95 percent uniform, and 5 percent injury tolerance.
A2D	Fine Dark-brown Wrappers Heavy, ripe, firm, rich in oil, elastic, strong, clear finish, deep color intensity, spready, 90 percent uniform, and 10 percent injury tolerance.

§ 29.2437 Heavy Leaf (B Group).

This group consists of leaves usually grown at or above the center portion of the stalk. These leaves have a pointed tip, tend to fold, are heavier in body than those of the X or C groups, and show no ground injury. Choice- and fine-quality leaves of this group have a distinctive, smooth leaf surface.

U.S. grades	*Grade names and specifications*
B1F	Choice Medium-brown Heavy Leaf Medium body, ripe, firm, oily, semielastic, strong, bright finish, deep color intensity, broad, 95 percent uniform, and 5 percent injury tolerance.
B2F	Fine Medium-brown Heavy Leaf Medium body, ripe, firm, oily, semielastic, strong, clear finish, deep color intensity, spready, 90 percent uniform, and 10 percent injury tolerance.
B3F	Good Medium-brown Heavy Leaf Medium body, mature, firm, oily, semielastic, normal strength, clear finish, moderate color intensity, normal width, 80 percent uniform, and 20 percent injury tolerance.
B4F	Fair Medium-brown Heavy Leaf Medium body, mature, close, lean in oil, inelastic, weak, dull-finish, pale color intensity, narrow, 70 percent uniform, and 30 percent injury tolerance.
B5F	Low Medium-brown Heavy Leaf Medium body, mature, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 60 percent uniform, and 40 percent injury tolerance.
B1D	Choice Dark-brown Heavy Leaf Heavy, ripe, firm, oily, semielastic, strong, bright finish, deep color intensity, spready, 95 percent uniform, and 5 percent injury tolerance.

U.S. grades	Grade names and specifications
B2D	Fine Dark-brown Heavy Leaf Heavy, ripe, firm, oily, semielastic, strong, clear finish, deep color intensity, spready, 90 percent uniform, and 10 percent injury tolerance.
B3D	Good Dark-brown Heavy Leaf Heavy, mature, firm, oily, semielastic, normal strength, clear finish, moderate color intensity, normal width, 80 percent uniform, and 20 percent injury tolerance.
B4D	Fair Dark-brown Heavy Leaf Heavy, mature, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 70 percent uniform, and 30 percent injury tolerance.
B5D	Low Dark-brown Heavy Leaf Heavy, mature, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 60 percent uniform, and 40 percent injury tolerance.
B3M	Good Mixed Color Heavy Leaf Medium to heavy body, mature, firm, oily, semielastic, normal strength and width, 80 percent uniform, and 20 percent injury tolerance.
B4M	Fair Mixed Color Heavy Leaf Medium to heavy body, mature, close, lean in oil, inelastic, weak, narrow, 70 percent uniform, and 30 percent injury tolerance.
B5M	Low Mixed Color Heavy Leaf Medium to heavy body, mature, close, lean in oil, inelastic, weak, narrow, 60 percent uniform, and 40 percent injury tolerance.
B3G	Good Green Heavy Leaf Medium to heavy body, mature, firm, oily, semielastic, normal strength, clear finish, normal width, 80 percent uniform, and 20 percent injury tolerance.
B4G	Fair Green Heavy Leaf Medium to heavy body, immature, close, lean in oil, inelastic, weak, dull finish, narrow, 70 percent uniform, and 30 percent injury tolerance.
B5G	Low Green Heavy Leaf Medium to heavy body, immature, close, lean in oil, inelastic, weak, dull finish, narrow, 60 percent uniform, and 40 percent injury tolerance.

§ 29.2438 Thin Leaf (C Group).

This group consists of leaves usually grown at the center portion of the stalk. These leaves normally have a rounded tip, are thinner in body than those of the B group, and show little or no ground injury. Choice- and fine-quality tobacco of this group has a distinctive, smooth leaf surface.

U.S. grades	Grade names and specifications
C1L	Choice Light-brown Thin Leaf Thin to medium body, mature to ripe, firm, oily, semielastic, strong, bright finish, deep color intensity, broad, 95 percent uniform, and 5 percent injury tolerance.
	Fine Light-brown Thin Leaf Thin to medium body, mature to ripe, firm, oily, semielastic, strong, clear finish, deep color intensity, spready, 90 percent uniform, and 10 percent injury tolerance.
C3L	Good Light-brown Thin Leaf Thin to medium body, mature to ripe, firm, oily, semielastic, normal strength, clear finish, moderate color intensity, normal width, 80 percent uniform, and 20 percent injury tolerance.
C4L	Fair Light-brown Thin Leaf Thin to medium body, mature to ripe, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 70 percent uniform, and 30 percent injury tolerance.
	Low Light-brown Thin Leaf Thin to medium body, mature to ripe, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 60 percent uniform, and 40 percent injury tolerance.
	Choice Medium-brown Thin Leaf Thin to medium body, mature to ripe, firm, oily, semielastic, strong, bright finish, deep color intensity, broad, 95 percent uniform, and 5 percent injury tolerance.
C2F	Fine Medium-brown Thin Leaf Thin to medium body, mature to ripe, firm, oily, semielastic, strong, clear finish, deep color intensity, spready, 90 percent uniform, and 10 percent injury tolerance.
C3F	Good Medium-brown Thin Leaf Thin to medium body, mature to ripe, firm, oily, semielastic, normal strength, clear finish, moderate color intensity, normal width, 80 percent uniform, and 20 percent injury tolerance.
C4F	Fair Medium-brown Thin Leaf Thin to medium body, mature to ripe, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 70 percent uniform, and 30 percent injury tolerance.
C5F	Low Medium-brown Thin Leaf Thin to medium body, mature to ripe, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 60 percent uniform, and 40 percent injury tolerance.
C2D	Fine Dark-brown Thin Leaf Thin to medium body, mature to ripe, firm, oily, semielastic, strong, clear finish, deep color intensity, spready, 90 percent uniform, and 10 percent injury tolerance.
C3D	Good Dark-brown Thin Leaf Thin to medium body, mature to ripe, firm, lean in oil, inelastic, normal strength, clear finish, moderate color intensity, normal width, 80 percent uniform, and 20 percent injury tolerance.
C4D	Fair Dark-brown Thin Leaf Thin to medium body, mature to ripe, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 70 percent uniform, and 30 percent injury tolerance.
C5D	Low Dark-brown Thin Leaf Thin to medium body, mature to ripe, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 60 percent uniform, and 40 percent injury tolerance.
C3M	Good Mixed Color Thin Leaf Thin to medium body, mature, firm, oily, semielastic, normal strength and width, 80 percent uniform, and 20 percent injury tolerance.
C4M	Fair Mixed Color Thin Leaf Thin to medium body, mature, close, lean in oil, inelastic, weak, narrow, 70 percent uniform, and 30 percent injury tolerance.
C5M	Low Mixed Color Thin Leaf Thin to medium body, immature, close, lean in oil, inelastic, weak, narrow, 60 percent uniform, and 40 percent injury tolerance.
C3G	Good Green Thin Leaf Thin to medium body, mature, firm, oily, semielastic, normal strength, clear finish, normal width, 80 percent uniform, and 20 percent injury tolerance.
C4G	Fair Green Thin Leaf Thin to medium body, immature, close, lean in oil, inelastic, weak, dull finish, narrow, 70 percent uniform, and 30 percent injury tolerance.
C5G	Low Green Thin Leaf Thin to medium body, immature, close, lean in oil, inelastic, weak, dull finish, narrow, 60 percent uniform, and 40 percent injury tolerance.

§ 29.2439 Lugs (X Group).

This group consists of leaves that normally grow near the bottom of the stalk. These leaves usually have a blunt tip, tend to roll, and show ground injury.

U.S. grades	Grade names and specifications
X1L	Choice Light-brown Lugs Thin to medium body, ripe, firm to open, oily, normal strength, clear finish, moderate color intensity, 95 percent uniform, and 5 percent injury tolerance.
X2L	Fine Light-brown Lugs Thin to medium body, ripe, firm to open, oily, normal strength, clear finish, moderate color intensity, 90 percent uniform, and 10 percent injury tolerance.
X3L	Good Light-brown Lugs Thin to medium body, ripe, open, lean in oil, normal strength, dull finish, pale color intensity, 80 percent uniform, and 20 percent injury tolerance.
X4L	Fair Light-brown Lugs Thin to medium body, mature, open, lean in oil, weak, dull finish, pale color intensity, 70 percent uniform, and 30 percent injury tolerance.
X5L	Low Light-brown Lugs Thin to medium body, mature, open, lean in oil, weak, dull finish, pale color intensity, 60 percent uniform, and 40 percent injury tolerance.
X1F	Choice Medium-brown Lugs Medium body, ripe, firm to open, oily, normal strength, clear finish, moderate color intensity, 95 percent uniform, and 5 percent injury tolerance.
X2F	Fine Medium-brown Lugs Medium body, ripe, firm to open, oily, normal strength, clear finish, moderate color intensity, 90 percent uniform, and 10 percent injury tolerance.
X3F	Good Medium-brown Lugs Medium body, ripe, open, lean in oil, normal strength, dull finish, pale color intensity, 80 percent uniform, and 20 percent injury tolerance.
X4F	Fair Medium-brown Lugs Thin to medium body, mature, open, lean in oil, weak, dull finish, pale color intensity, 70 percent uniform, and 30 percent injury tolerance.
X5F	Low Medium-brown Lugs Thin to medium body, mature, open, lean in oil, weak, dull finish, pale color intensity, 60 percent uniform, and 40 percent injury tolerance.

U.S. Grades	Grade names and specifications
X1D	Choice Dark-brown Lugs Medium to heavy body, ripe, firm to open, oily, normal strength, clear finish, moderate color intensity, 95 percent uniform, and 5 percent injury tolerance.
X2D	Fine Dark-brown Lugs Medium to heavy body, ripe, firm to open, oily, normal strength, clear finish, moderate color intensity, 90 percent uniform, and 10 percent injury tolerance.
X3D	Good Dark-brown Lugs Medium to heavy body, ripe, open, lean in oil, normal strength, dull finish, pale color intensity, 80 percent uniform, and 20 percent injury tolerance.
X4D	Fair Dark-brown Lugs Medium to heavy body, mature, open, lean in oil, weak, dull finish, pale color intensity, 70 percent uniform, and 30 percent injury tolerance.
X5D	Low Dark-brown Lugs Medium to heavy body, mature, open, lean in oil, weak, dull finish, pale color intensity, 60 percent uniform, and 40 percent injury tolerance.
X3M	Good Mixed Color Lugs Medium to heavy body, mature, open, lean in oil, normal strength, 80 percent uniform, and 20 percent injury tolerance.
X4M	Fair Mixed Color Lugs Thin to medium body, mature, open, lean in oil, weak, 70 percent uniform, and 30 percent injury tolerance.
X5M	Low Mixed Color Lugs Thin to medium body, mature, open, lean in oil, weak, 60 percent uniform, and 40 prcent injury tolerance.
X3G	Good Green Lugs Medium to heavy body, mature, firm, lean in oil, normal strength, dull finish, 80 percent uniform, and 20 percent injury tolerance.
X4G	Fair Green Lugs Medium to heavy body, immature, close, lean in oil, weak, dull finish, 70 percent uniform, and 30 percent injury tolerance.
X5G	Low Green Lugs Thin to medium body, immature, close, lean in oil, weak, dull finish, 60 percent uniform, and 40 percent injury tolerance.

§ 29.2440 Nondescript (N Group).

Extremely common tobacco which does not meet the minimum specifications or which exceeds the tolerance of the lowest grade of any other group except Scrap.

U.S. grades	Grade names and specifications
N1L	First Quality Light Colored Nondescript Thin to medium body and 60 percent injury tolerance.
N1D	First Quality Dark Colored Nondescript Medium to heavy body and 60 percent injury tolerance.
N1G	First Quality Crude Green Nondescript 60 percent crude leaves or injury tolerance.
N2	Substandard Nondescript Nondescript of any group or color; over 60 percent crude leaves or injury tolerance.

§ 29.2441 Scrap (S Group).

A byproduct of unstemmed and stemmed tobacco. Scrap accumulates from handling tobacco in farm buildings, warehouses, packing and conditioning plants, and stemmeries.

U.S. grade	Grade name and specifications
S	Scrap Tangled, whole, or broken unstemmed leaves, or the web portions of tobacco leaves reduced to scrap by any process.

SUMMARY OF STANDARD GRADES

§ 29.2461 Summary of standard grades.

4 Grades of Wrappers

A1F	A2F	A1D	A2D

16 Grades of Heavy Leaf

B1F	B5F	B4D	B5M
B2F	B1D	B5D	B3G
B3F	B2D	B3M	B4G
B4F	B3D	B4M	B5G

20 Grades of Thin Leaf

C1L	C2F	C4D	C4G
C2L	C3F	C5D	C5G
C3L	C4F	C3M	
C4L	C5F	C4M	
C5L	C2D	C5M	
C1F	C3D	C3G	

21 Grades of Lugs

X1L	X2F	X3D	X3G
X2L	X3F	X4D	X4G
X3L	X4F	X5D	X5G
X4L	X5F	X3M	
X5L	X1D	X4M	
X1F	X2D	X5M	

4 Grades of Nondescript

N1L	N1D	N2	N1G

1 Grade of Scrap

S

Special factors "U" and "W" may be applied to all grades.

Tobacco not covered by the standard grades is designated "No-G."

U.S. Standard Sizes Applicable

A1, A2	45, 46, 47
B1	45, 46, 47
B2	44, 45, 46, 47
B3, B4, B5	43, 44, 45, 46, 47
C1	45, 46, 47
C2, C3, C4, C5	44, 45, 46, 47
X3, X4, X5, M and G [1]	45

[1] No size is applied to these grades if tobacco is under size 45.

KEY TO STANDARD GRADEMARKS

§ 29.2481 Key to standard grademarks.

Groups

A—Wrappers.
B—Heavy Leaf.
C—Thin Leaf.
X—Lugs.
N—Nondescript.
S—Scrap.

Qualities

1—Choice.
2—Fine.
3—Good.
4—Fair.
5—Low.

Colors

L—Light brown.
F—Medium brown.
D—Dark brown.
M—Mixed or variegated.
G—Green.

(49 Stat. 734; 7 U.S.C. 511m)

[FR Doc.72-10582 Filed 7-10-72;8:52 am]

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

SUBCHAPTER D—PROVISIONS COMMON TO MORE THAN ONE PROGRAM

PART 791—AUTHORITY TO MAKE PAYMENTS WHEN THERE HAS BEEN A FAILURE TO COMPLY FULLY WITH THE PROGRAM

Applicability of Set-Aside Programs

Part 791 is being revised to make it clear that it is applicable to the set-aside programs for feed grains, wheat, and upland cotton as authorized by the Agricultural Act of 1970, Public Law 91-524.

Sec.
791.1 Applicability.
791.2 Payments when there has been a failure to comply fully with the program.
791.3 Delegation of authority.

AUTHORITY: The provisions of this Part 791 issued under sec. 602, 79 Stat. 1206, 7 U.S.C. 1838; sec. 379b, 84 Stat. 1362, 7 U.S.C. 1379b; sec. 105, 84 Stat. 1368, 7 U.S.C. 1441 note; sec. 103, 84 Stat. 1374, 7 U.S.C. 1444.

§ 791.1 Applicability.

This part is applicable to the cropland adjustment program for 1966-69, Part 751 of this chapter, as amended; the 1971-73 feed grain set-aside program, Part 775 of this chapter, as amended; the 1971-73 wheat set-aside program, Part 728 of this chapter, as amended; the 1971-73 upland cotton set-aside program, Part 722 of this chapter, as amended; and all other programs to which this part is made applicable by individual program regulations.

§ 791.2 Payments when there has been a failure to comply fully with the program.

In any case in which the failure of a producer to comply fully with the terms and conditions of a program to which this part is applicable precludes the making of payments or the issuance of wheat marketing certificates, the Deputy Administrator, State and County Operations, may nevertheless authorize the making of payments or the issuance of wheat marketing certificates in such amounts as he determines to be equitable in relation to the seriousness of the default. The provisions of this part shall be applicable only to producers who made a good faith effort to comply fully with the terms and conditions of the program and rendered substantial performance. Any person who feels that he is entitled to consideration under the provisions of this part may file a request therefor with the county committee.

§ 791.3 Delegation of authority.

The authority contained in this part may be redelegated in whole or in part.

Effective date. The changes in the foregoing revision of Part 791 relate to its applicability to the 1971-73 set-aside programs for feed grains, wheat, and upland cotton. Farmers are completing their plans for the 1972 crop year, and it

is essential that the foregoing revision of Part 791 be made effective as soon as possible. It is hereby found and determined that compliance with the notice and public procedure provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, this revision shall become effective upon publication in the FEDERAL REGISTER (7-11-72).

Signed at Washington, D.C., on July 3, 1972.

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

[FR Doc.72-10581 Filed 7-10-72;8:54 am]

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

[Valencia Orange Reg. 398, 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 paragraph (b)(1) (i), (ii), and (iii) of § 908.698 (Valencia Regulation 398, 37 F.R. 12784) during the period June 30 through July 6, 1972, are hereby amended to read as follows:

§ 908.698 **Valencia Regulation 398.**

* * * * *

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

(i) District 1: 222,000 cartons;

(ii) District 2: 264,000 cartons;

(iii) District 3: 114,000 cartons.

* * * * *

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

Dated: July 6, 1972.

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

[FR Doc.72-10524 Filed 7-10-72;8:48 am]

PART 916—NECTARINES GROWN IN CALIFORNIA

Expenses and Rate of Assessment

On June 21, 1972, notice of proposed rule making was publishing in the FEDERAL REGISTER (37 F.R. 12242) regarding proposed expenses and the proposed rate of assessment for the period March 1, 1972, through February 28, 1973, pursuant to the marketing agreement, as amended, and Order No. 916, as amended (7 CFR Part 916) regulating the handling of nectarines grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Nectarine Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 916.211 **Expenses and rate of assessment.**

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

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

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of nectarines grown in California are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable nectarines handled during the aforesaid period; and (3) such period began on March 1, 1972, and said rate of assessment will automatically apply to all such nectarines beginning with such date.

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

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

Dated: July 6, 1972.

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

[FR Doc.72-10584 Filed 7-10-72;8:52 am]

PART 918—FRESH PEACHES GROWN IN GEORGIA

Expenses and Rate of Assessment

On June 21, 1972, notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 12242) regarding proposed expenses and the related rate of assessment for the period March 1, 1972, through February 28, 1973, pursuant to the marketing agreement and Order No. 918 (7 CFR Part 918) regulating the handling of fresh peaches grown in Georgia. This notice allowed interested persons 10 days during which they could submit written data, views, or arguments pertaining to the proposals. None were submitted. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Industry Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 918.211 **Expenses and rate of assessment.**

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

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

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, and engage in public rule-making procedure, and good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of fresh peaches have already begun; (2) the relevant provisions of said amended

marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable peaches from the beginning of such period; and (3) the current fiscal period began March 1, 1972, and the rate of assessment herein fixed will automatically apply to all assessable peaches beginning with such date.

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

Dated: July 6, 1972.

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

[FR Doc.72-10583 Filed 7-10-72;8:52 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Cotton Loan Program Regs., Amdt. 2]

PART 1427—COTTON

Subpart—Cotton Loan Program Regulations

Notices of proposed rule making regarding operating provisions necessary to carry out the loan program for 1972 crop ELS and upland cotton were published in the FEDERAL REGISTER on December 10, 1971, and March 17, 1972, 36 F.R. 23574 and 37 F.R. 5625. Recommendations were received that warehouse receipts reflect only the net and tare weights of the bales represented thereby instead of the gross, tare, and net weights as required under the 1971 cotton loan program. No other data, views, or recommendations were received. The Cotton Loan Program Regulations governing loans for the 1971 and subsequent crops issued by Commodity Credit Corporation and published in 36 F.R. 13981, as amended, are further amended as follows:

1. Paragraph 1427.2(c) is amended to show the new address of the New Orleans Office. The amended paragraph (c) reads as follows:

§ 1427.2 Definitions.

* * * * *

(c) "New Orleans Office" shall mean the New Orleans Agricultural Stabilization and Conservation Service Commodity Office, U.S. Department of Agriculture, New Orleans Service Center, Building 350, 13800 Gentilly Road, New Orleans, LA 70129. (Mailing address: Post Office Box 60121, New Orleans, LA 70160.)

* * * * *

2. Paragraph 1427.6(m) is amended to provide that each bale must be ginned by a cooperating ginner or a ginner who has certified that the bagging and ties used on the bale meet CCC specifications. The amended paragraph (m) reads as follows.

§ 1427.6 Eligible cotton.

* * * * *

(m) Each bale must be ginned by a ginner (1) who has furnished to the warehouseman storing the bale the tare weight of the bale (bagging and ties used to wrap the bale) or has entered the tare weight on the gin bale tag, and (2) who has entered into CCC-809, Cooperating Ginners' Bagging and Bale Ties Certification and Agreement or certified that the bale is wrapped with bagging and bale ties meeting the requirements of paragraph (1) of this section.

* * * * *

3. Paragraph 1427.18(c) is amended, in order to clarify the language thereof, to read as follows:

§ 1427.18 Maturity.

* * * * *

(c) On or after maturity and nonpayment of the note, title to the cotton shall, at CCC's election, without a sale thereof, vest in CCC, and CCC shall have no obligation to pay for any market value which such cotton may have in excess of the amount of the loan, plus interest and charges. In the event the producer has made a fraudulent representation in the loan documents or in obtaining the loan, the producer shall be personally liable for any amount by which the amount due on the loan exceeds the market value of the cotton securing the loan as of the date title vests in CCC, as determined by CCC.

* * * * *

4. Section 1427.19 is amended to eliminate the requirement that warehouse receipts must show the gross weight of the bale. The amended section reads as follows:

§ 1427.19 Warehouse receipt and insurance.

(a) *General.* Producers may obtain loans on cotton represented by warehouse receipts only if the warehouse receipts are negotiable machine card-type warehouse receipts, are issued by CCC approved warehouses, provide for delivery of the cotton to bearer or are properly assigned by endorsement in blank so as to vest title in the holder of the receipt, and otherwise are acceptable to CCC. The warehouse receipt must contain the tag number (warehouse receipt number), must show that the cotton is covered by fire insurance, and must be dated on or prior to the date the producer signs the note. If a bale is stored at the origin warehouse (the warehouse to which the bale was first delivered for storage after ginning), the warehouse receipt must contain the gin bale number. If a bale has been moved from the origin warehouse, the warehouse receipt shall, in lieu of the gin bale number, contain the tag number and identification of the origin warehouse. Open yard endorsement, if any, on the warehouse receipt must have been rescinded with the legend "open yard disclaimer deleted" with appropriate signature of the warehouseman or his authorized representative. Each receipt must show the type of bagging used to wrap the bale. Block warehouse receipts will not be accepted except on cotton to be reconcentrated pursuant to § 1427.22.

(b) *Weight.* Each receipt must set out in its written or printed terms the tare and net weight of the bale represented thereby. The net weight shown on the warehouse receipt shall be the difference between the gross weight as determined by the warehouseman at the warehouse site and the tare weight, except that the warehouse receipt may show the net weight established at a gin (1) in case the gin is in the immediate vicinity of the warehouse and is operated under common ownership with such warehouse or in any other case in which the showing of gin weights on the warehouse receipts is approved by CCC, and (2) if the showing of gin weights on the warehouse receipts is permitted by the warehouseman's licensing authority. The tare shown on the receipt shall be the tare furnished to the warehouseman by the ginner or entered by him on the gin bale tag. A warehouse receipt reflecting an alteration in tare or net weight will not be accepted by CCC unless it bears, on the face of the receipt, the following legend or similar wording approved by CCC, duly executed by the warehouseman or his authorized representative:

Corrected (tare or net) weight__________

____
(Name of warehouse)

By ________________________

Date ____________

Alterations in other inserted data on the receipt must be initialed by the warehouseman or his authorized representative.

(c) *Storage and receiving charges.* If warehouse storage charges have been paid, the receipt must be stamped or otherwise noted to show the date through which the storage charges have been paid. For receipts showing accrued storage charges in excess of 60 days as of the date of tender to CCC, the loan amount will be reduced for each month of unpaid storage or fraction thereof in excess of 60 days by the monthly storage charge specified in the storage agreement between the warehouseman and CCC. If warehouse receiving charges have been paid or waived, the receipt must be stamped or otherwise noted to show such fact. If the receipt does not show that receiving charges have been paid or waived, the loan amount will be reduced by the amount of the receiving charges specified in the storage agreement. In any such case where the loan amount is reduced by unpaid storage or receiving charges, the charges will be paid to the warehouseman by CCC after loan maturity if the cotton is not redeemed from the loan, or as soon as practicable after the cotton is ordered shipped by CCC or destroyed by fire while in loan status.

(d) *Rail shipments.* If the bale was received by rail, the receipt must be stamped or otherwise noted to show such fact.

(e) *Compression.* If the bale has been compressed to standard density at a

warehouse, gin standard density at a gin, or to a greater density approved by CCC at a warehouse or gin, the warehouse receipt must be stamped or otherwise noted to show such fact. If the compression charge has been paid, or if the warehouseman claims no lien for such compression, the receipt must also be stamped or otherwise noted to show such fact.

5. Subparagraph 1427.25(c)(1) is amended to clarify the responsibilities of a buyer who files a CCC-813 with the county office and fails to redeem cotton covered by the CCC-813, in the event title to the cotton vests in CCC without a sale thereof. The amended subparagraph reads as follows:

§ 1427.25 **Repayment of loan.**

* * * * *

(c) * * *

(1) At CCC's election, title to the cotton shall, without a sale thereof, immediately vest in CCC, and CCC shall have no obligation to pay for any market value which such cotton may have in excess of the amount of the loan thereon, plus interest and charges. The buyer shall be personally liable for any amount by which the amount due on the loan on such cotton exceeds the market value of the cotton as of the date title vests in CCC, as determined by CCC.

(Secs. 4, 5, 62 Stat. 1070, as amended; secs. 101, 103, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714 b, c; 7 U.S.C. 1441, 1444, 1421)

Effective date. This amendment shall become effective for all loans made on 1972 and subsequent crops of cotton.

Signed at Washington, D.C., on July 3, 1972.

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

[FR Doc.72-10585 Filed 7-10-72;8:54 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

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

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

PART 72—TEXAS (SPLENETIC) FEVER IN CATTLE

Permitted Dips

Pursuant to the provisions of the Act of March 3, 1905, as amended, the Act of February 2, 1903, as amended, and the Act of May 29, 1884, as amended (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126), § 72.13(b) of Part 72, Title 9, Code of Federal Regulations, is hereby amended in the following respects.

In § 72.13(b), a new subparagraph (4) is added to read:

§ 72.13 **Permitted dips and procedures.**

* * * * *

(b) *Permitted dips.* The dips at present permitted by the Department in official dipping for interstate movement are:

* * * * *

(4) Approved proprietary brands of toxaphene emulsion to be used at a concentration of 0.5 to 0.6 percent toxaphene.[1]

* * * * *

(Secs. 1, 2, 32 Stat. 791-792, as amended; secs. 4-7, 23 Stat. 32, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; 21 U.S.C. 111-113, 115, 117, 120, 121, 123-126; 29 F.R. 16210, as amended; 37 F.R. 6327, 6505)

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

The amendment adds approved proprietary brands of toxaphene to the list of dips permitted by the Department for use in official dipping animals for interstate movement when required under the provisions of Part 72.

The amendment relieves certain restrictions presently imposed but no longer deemed necessary to prevent the interstate spread of Texas fever ticks and must be made effective promptly to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedures provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 5th day of July 1972.

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

[FR Doc.72-10523 Filed 7-10-72;8:47 am]

[1] Care is required when treating animals and in maintaining required concentration of chemicals in dipping baths. Detailed information concerning the use of, criteria for, and names of proprietary brands of permitted dips for which specific permission has been granted, and concerning the use of compressed air, vat management techniques, and vatside tests, and other pertinent information may be obtained from the U.S. Department of Agriculture, APHIS, Veterinary Services, Hyattsville, Md. 20782.

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[72-706]

PART 527—HOUSING OPPORTUNITY ALLOWANCE PROGRAM

Correction

In F.R. Doc. 72-9597 appearing at page 12559 of the issue for Tuesday, June 27, 1972, the second line of § 527.13(c), now reading "borrower shall acknowledge receipt of, a", should read "*borrower. At the time of closing of the*".

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 72-GL-16]

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

Alteration of Control Zone and Transition Area

On page 7165 of the FEDERAL REGISTER dated April 11, 1972, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of the Federal Aviation Regulations so as to alter the control zone at Carbondale, Ill., and alter the transition area at Marion, Ill.

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

No objections have been received and the amendment as so proposed is hereby adopted, subject to the changes set forth below. Since issuance of the notice for the changes to the Carbondale control zone and the Marion transition area, the NDB at Carbondale was moved to another location on the airport because of frequency interference. This resulted in a change of eight degrees on the approach bearing of one of the approach procedures. This in turn requires a slight change in the direction of the control zone extension and minor changes to the transition area.

Line 7 of the Carbondale, Ill., control zone description recited as "and 3 miles either side of the 249° bearing" is changed to read "and 3 miles either side of the 257° bearing".

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

MARION, ILL.

That airspace extending upward from 700 feet above the surface, bounded by a line beginning at latitude 37°53'40" N., longitude 88°48'35" W., thence west to latitude 37°56'25" N., longitude 89°02'40" W., thence west to latitude 37°58'45" N., longitude 89°20'25" W., thence south to latitude 37°47'25" N., longitude 89°26'00" W., thence south to latitude 37°42'10" N., longitude 89°24'00" W., thence southeast to latitude 37°32'50" N., longitude 88°59'00" W., thence northeast to latitude 37°42'35" N., longitude 88°52'15" W., thence north to the point of beginning; and that airspace extending upward from 1,200 feet above the surface 9.5 miles southeast of and 4.5 miles northwest of the 257° bearing from the Southern Illinois Airport, extending from the airport to 8.5 miles southwest, excluding that portion within the State of Illinois.

This amendment shall be effective 0901 G.m.t., September 14, 1972.

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

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

LYLE K. BROWN,
Director, Great Lakes Region.

In § 71.171 (37 F.R. 2056), the following control zone is amended to read:

CARBONDALE, ILL.

Within a 5-mile radius of the Southern Illinois Airport (latitude 37°46'45" N., longitude 89°15'00" W.) and within 3 miles either side of the 010° bearing from the Southern Illinois Airport, extending from the 5-mile-radius zone to 8 miles north of the airport, and 3 miles either side of the 275° bearing from the airport extending from the 5-mile-radius zone to 8 miles southwest of the airport. This control zone is effective during the specific dates and times established in advance by the Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual.

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

MARION, ILL.

That airspace extending upward from 700 feet above the surface, bounded by a line beginning at latitude 37°53'40" N., longitude 88°48'35" W., thence west to latitude 37°56'25" N., longitude 89°02'40" W., thence west to latitude 37°58'45" N., longitude 89°20'25" W., thence south to latitude 37°47'25" N., longitude 89°26'00" W., thence south to latitude 37°42'10" N., longitude 89°24'00" W., thence southeast to latitude 37°32'50" N., longitude 88°59'00" W., thence northeast to latitude 37°42'35" N., longitude 88°52'15" W., thence north to the point of beginning; and that airspace extending upward from 1,200 feet above the surface 9.5 miles southeast of and 4.5 miles northwest of the 249° bearing from the Southern Illinois Airport (latitude 37°46'45" N., longitude 89°15'00" W.) extending from the airport to 18.5 miles southwest, excluding that portion within the State of Illinois.

[FR Doc.72-10516 Filed 7-10-72;8:47 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER E—RULES, REGULATIONS, STATEMENTS OF GENERAL POLICY OR INTERPRETATION AND EXEMPTIONS UNDER THE FAIR PACKAGING AND LABELING ACT

PART 501—EXEMPTIONS FROM REQUIREMENTS AND PROHIBITIONS UNDER PART 500

Solder; Confirmation of Effective Date

In the matter of amending Part 501 by the addition of a new § 501.8 which exempts solder containing precious metals when packaged for retail sale from the net quantity requirements of Part 500 of this chapter.

Pursuant to the provisions of the Fair Packaging and Labeling Act (sections 5, 6, 80 Stat. 1298, 1299, 1300; 15 U.S.C. 1454, 1455), the order published in the FEDERAL REGISTER of March 3, 1972 (37 F.R. 4429), in the above-identified matter permitted any person adversely affected by the order adopting the regulations to file objections thereto within 30 days from the date of its publication, specifying with particularity the provisions of the order deemed objectionable, stating the grounds therefor, and requesting a public hearing upon such objections. Objections are deemed sufficient to warrant the holding of a public hearing only: (1) If they establish that the objector will be adversely affected by the order; (2) if they specify with particularity the provisions of the order to which objection is taken; and (3) if they are supported by reasonable grounds which, if valid and factually supported, may be adequate to justify the relief sought.

A single objection was received, which claimed this exemption exceeded the authority provided in section 5(b) of the Act because value comparisons are not facilitated when troy weight is permitted for one class of soft solder and avoirdupois weight is used for other classes.

The Commission has determined that it is common practice, within the national and international market, to deal in troy weight for materials containing precious metals consisting of silver, gold, or platinum. Soft solders containing various amounts of precious metals are produced for specific and technical uses and value comparisons for such solders are made between competing products containing various amounts of these precious metals. Specific legislative authority is present in section 5(b) of the Act to promulgate regulations exempting such a commodity under circumstances of this nature. Therefore, the Commission has determined that the objection is not based on reasonable grounds and does not warrant a public hearing.

Accordingly, the April 3, 1972, effective date of § 501.8 is confirmed.

By direction of the Commission, dated July 3, 1972.

CHARLES A. TOBIN,
Secretary.

[FR Doc.72-10572 Filed 7-10-72;8:53 am]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 177—FEDERAL, STATE AND PRIVATE PROGRAMS OF LOW-INTEREST LOANS TO STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

Special Allowances

Subparagraph (3) of § 177.4(c), Special Allowances, which deals with the payment to lenders of the allowances authorized by section 2 of the "Emergency Insured Student Loan Act of 1969" (Public Law 91-95) is amended to provide for the payment of such an allowance for the period April 1, 1972, through June 30, 1972, inclusive.

As so § 177.4 reads as follows:

§ 177.4 Payment of interest benefits, administrative cost allowances and special allowance.

* * * * *

(c) *Special allowances.* * * *

(3) Special allowances are authorized to be paid as follows:

* * * * *

(xii) For the period April 1, 1972, through June 30, 1972, inclusive, a special allowance is authorized to be paid in an amount equal to the rate of three fourths of one percent per annum of the average unpaid balance of disbursed principal of eligible loans.

(Sec. 2, 83 Stat. 141)

Dated: July 5, 1972.

PETER P. MUIRHEAD,
Acting Commissioner of Education.

Approved: July 7, 1972.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.72-10657 Filed 7-10-72;8:52 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 14H—Bureau of Indian Affairs, Department of the Interior

PART 14H-1—GENERAL

Designation of Contracting Officer Positions

JUNE 30, 1972.

Chapter 14H of Title 41 of the Code of Federal Regulations was published beginning on page 13659 of the August 26, 1969, FEDERAL REGISTER (34 F.R. 13659). Chapter 14H contains the Bureau of Indian Affairs' Procurement Regulations (BIAPR). Section 14H-1.451-2 of Chapter 14H was subsequently amended, most recently on page 10446 of the May 23, 1972, FEDERAL REGISTER (37 F.R. 10446).

Pursuant to the authority contained in the Act of November 2, 1921, Ch. 115, 42 Stat. 208 (25 U.S.C. 13) and 41 CFR 14-1.008, § 14H-1.451-2(a)(1) of 41 CFR Part 14H is being amended to delete the Chief, Plant Management Engineering Center, Denver, Colo., and substitute the Chief, Indian Technical Assistance Center, Denver, Colo., as a contracting officer position. The contracting function is being transferred from the Plant Management Engineering Center to the Indian Technical Assistance Center.

Since this amendment involves internal Bureau procedures, advance notice and public procedure thereon have been deemed unnecessary and are dispensed with under the exception provided in subsection (b)(B) of 5 U.S.C. 553 (1970).

Since delay in the amendment becoming effective could delay the internal

processing of contracts in the Bureau with resultant delay in providing services to Indian people, the 30-day deferred effective date is dispensed with under the exception provided in subsection (d)(3) of 5 U.S.C. 553 (1970). Accordingly, these regulations will become effective upon the date of publication in the FEDERAL REGISTER (7-11-72).

As amended, § 14H-1.451-2(a)(1) of 41 CFR Part 14H reads as follows:

§ 14H-1.451-2 Designation of contracting officer positions.

(a) Each of the following organizational titles are designated as contracting officer positions:

(1) Headquarters Office Officials:

(i) Commissioner.

(ii) Deputy Commissioner.

(iii) Director of Administrative Services.

(iv) Chief, Division of Contracting Services.

(v) Property and Supply Officer.

(vi) Chief, Division of Plant Design and Construction, Albuquerque, N. Mex.

(vii) Chief, Indian Technical Assistance Center, Denver, Colo.

(viii) Property and Supply Officer, Field Support Services Office, Albuquerque, N. Mex.

* * * * *

JOHN O. CROW,
Deputy Commissioner.

[FR Doc.72-10509 Filed 7-10-72;8:46 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Clopidol

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (34-393V) filed by the Dow Chemical Co., Post Office Box 1706, Midland, Mich. 48641, proposing the safe and effective use of the coccidiostat clopidol at 0.0125 percent or 0.025 percent in the feed of broiler chickens and replacement chickens. The supplemental application is approved.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)), and under authority delegated to the Commissioner (21 CFR 2.120), § 135e.46 is amended in the table in paragraph (e) by adding a new item 5 as follows:

§ 135e.46 Clopidol.

* * * * *

(e) *Conditions of use.* It is used as follows:

CLOPIDOL IN COMPLETE FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
* * *	* * *	* * *	* * *	* * *	* * *
5. Clopidol	113.5 or 227 (0.0125% or 0.025%)			For broiler chickens and replacement chickens intended for use as caged layers: For broiler chickens feed continuously as the sole ration; withdraw 5 days before slaughter if given at the level of 0.025 percent in feed or reduce level to 0.125 percent 5 days before slaughter. For replacement chickens feed continuously as the sole ration; do not feed to chickens over 16 weeks of age; withdraw 5 days before slaughter.	Aid in the prevention of coccidiosis caused by *E. tenella*, *E. necatrix*, *E. acervulina*, *E. maxima*, *E. brunetti*, and *E. mivati*.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (7-11-72).

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

Dated: June 29, 1972.

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

[FR Doc.72-10448 Filed 7-10-72;8:45 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7197]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Installment Method Treatment of Purchaser Evidences of Indebtedness Payable on Demand or Readily Tradable

On December 23, 1970, notice of proposed rule making with respect to the amendments of the Income Tax Regulations (26 CFR Part 1) under section 453(b) to conform the regulations to changes made by section 412(a) of the Tax Reform Act of 1969 (83 Stat. 608) was published in the FEDERAL REGISTER (35 F.R. 19518). After consideration of all relevant matters as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted, subjected to the changes set forth below:

Example 1 of paragraph (b) and paragraphs (c), (d), and (e) of § 1.453-3, as set forth in paragraph 3 of the notice of proposed rule making, are amended as set forth below.

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

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

Approved: July 5, 1972.

FREDERIC W. HICKMAN,
Acting Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 453(b) of the Internal Revenue Code of 1954 to section 412(a) of the Tax Reform Act of 1969 (Public Law 91-172, 83 Stat. 608), such regulations are amended as follows:

PARAGRAPH 1. Section 1.453 is amended by adding new paragraph (3) to section 453(b) to read as follows:

§ 1.453 Statutory provisions; installment method.

SEC. 453. *Installment method.* * * *

(b) *Sales of realty and casual sales of personalty.* * * *

(3) *Purchaser evidences of indebtedness payable on demand or readily tradable.* In applying this subsection, a bond or other evidence of indebtedness which is payable on demand, or which is issued by a corporation or a government or political subdivision thereof (A) with interest coupons attached or in registered form (other than one in registered form which the taxpayer establishes will not be readily tradable in an established securities market), or (B) in any other form designed to render such bond or other evidence of indebtedness readily tradable in an established securities market, shall not be treated as an evidence of indebtedness of the purchaser.

* * * * *

[Sec. 453 as amended by sec. 27, Technical Amendments Act of 1958 (72 Stat. 1624); sec. 13(f)(5), Rev. Act 1962 (76 Stat. 1035); secs. 222(a) and 231(b)(5), Rev. Act 1964 (78 Stat. 75, 105); sec. 1(b)(2), Act of Aug. 22, 1964 (Public Law 88-484, 78 Stat. 597); sec. 3, Act of Aug. 31, 1964 (Public Law 88-539, 78 Stat. 746); sec. 412(a), Tax Reform Act of 1969 (Public Law 91-172, 83 Stat. 608)]

PAR. 2. Paragraph (c) of § 1.453-1 is amended by adding at the end thereof new subparagraphs (3) and (4) to read as follows:

§ 1.453-1 Installment method of reporting income.

* * * * *

(c) *Limitations on the use of the installment method.* * * *

(3) See § 1.453-3 for the treatment of purchaser evidences of indebtedness that are payable on demand or readily tradable.

(4) Income shall be computed and reported separately for each casual sale or other casual disposition of personal property as installment payments are received in the year of sale and subsequent years.

* * * * *

PAR. 3. Section 1.453-3 is amended to read as follows:

§ 1.453-3 Purchaser evidences of indebtedness payable on demand or readily tradable.

(a) *In general.* A bond or other evidence of indebtedness (hereinafter in this section referred to as an obligation) issued by any person and payable on demand shall not be treated as an evidence of indebtedness of the purchaser in applying section 453(b) to a sale or other disposition of real property or to a casual sale or other casual disposition of personal property. In addition, an obligation issued by a corporation or a government or political subdivision thereof—

(1) With interest coupons attached (whether or not the obligation is readily tradable in an established securities market),

(2) In registered form (other than an obligation issued in registered form which the taxpayer establishes will not be readily tradable in an established securities market), or

(3) In any other form designed to render such obligation readily tradable in an established securities market)

shall not be treated as an evidence of indebtedness of the purchaser in applying section 453(b) to a sale or other disposition of real property or to a casual sale or other casual disposition of personal property. For purposes of this section, an obligation is to be considered in registered form if it is registered as to principal, interest, or both and if its transfer must be effected by the surrender of the old instrument and either the reissuance by the corporation of the old instrument to the new holder or the issuance by the corporation of a new instrument to the new holder.

(b) *Treatment as payment.* If under section 453(b)(3) an obligation is not treated as an evidence of indebtedness of the purchaser, then—

(1) For purposes of determining whether the payments received in the taxable year of the sale or other disposition exceed 30 percent of the selling price, and

(2) For purposes of returning income on the installment method during the taxable year of the sale or disposition or in a subsequent taxable year,

the receipt by the seller of such obligation shall be treated as a payment. The rules stated in this paragraph may be illustrated by the following examples:

Example (1). On July 1, 1970, A, an individual on the cash method of accounting reporting on a calendar year basis, transferred all of his stock in corporation X (traded on an established securities market and having a fair market value of $1 million) to corporation Y in exchange for 250 of corporation Y's registered bonds (which are traded in an over-the-counter bond market) each with a principal amount and fair market value of $1,000 (with interest payable at the rate of 8 percent per year), and Y's unsecured promissory note, with a principal amount of $750,000. At the time of such exchange A's basis in the corporation X stock is $900,000. The promissory note is payable at the rate of $75,000 annually, due on July 1, of each year following 1970, until the principal balance is paid. The note provides for the payment of interest at the rate of 10 percent per year also payable on July 1 of each year. Under the rule stated in subparagraph (1) of this paragraph, the 250 registered bonds of corporation Y are treated as a payment for purposes of the 30 percent test described in section 453(b)(2)(A)(ii). The payment on account of the bonds equals 25 percent of the selling price determined as follows:

$$\frac{\text{\$250,000 payment (i.e., 250 of corporation Y's registered bonds each with a principal amount and fair market value of \$1,000).}}{\text{\$1 million selling price (i.e., \$250,000 of corporation Y's registered bonds plus promissory note of \$750,000).}} = \text{25 percent.}$$

Since the payments received in the taxable year of the sale do not exceed 30 percent of the selling price and the sales price exceeds $1,000, A may report the income received on the sale of his corporation X stock on the installment method. A elects to report the income on the installment method. The gross profit to be realized when the corporation X stock is fully paid for is 10 percent of the total contract price, computed as follows: $100,000 gross profit (i.e., $1 million contract price less $900,000 basis in corporation X stock) over $1 million contract price. However, since subparagraph (2) of this paragraph also treats the 250 corporation Y registered bonds as a payment for purposes of reporting income, A must include $25,000 (i.e., 10 percent times $250,000) in his gross income for calendar year 1970, the taxable year of the sale.

Example (2). Assume the same facts as in example (1). Assume further that on July 1, 1971, corporation Y makes its first installment payment to A under the terms of the unsecured promissory note with 75 more of its $1,000 registered bonds. A must include $7,500 (i.e., 10 percent gross profit percentage times $75,000) in his gross income for calendar year 1971. In addition, A includes the interest payment made by corporation Y on July 1, in his gross income for 1971.

(c) *Payable on demand.* Under section 453(b)(3), an obligation shall be treated as payable on demand only if the obligation is treated as payable on demand under applicable state or local law.

(d) *Designed to be readily tradable in an established securities market*—(1) *In general.* Obligations issued by a corporation or government or political subdivision thereof will be deemed to be in a form designed to render such obligations readily tradable in an established securities market if—

(i) Steps necessary to create a market for them are taken at the time of issuance (or later, if taken pursuant to an expressed or implied agreement or understanding which existed at the time of issuance),

(ii) If they are treated as readily tradable in an established securities market under subparagraph (2) of this paragraph, or

(iii) If they are convertible obligations to which paragraph (e) of this section applies.

(2) *Readily tradable in an established securities market.* An obligation will be treated as readily tradable in an established securities market if—

(i) The obligation is part of an issue or series of issues which are readily tradable in an established securities market, or

(ii) The corporation issuing the obligation has other obligations of a comparable character which are described in subdivision (i) of this subparagraph.

For purposes of subdivision (ii) of this subparagraph, the determination as to whether there exist obligations of a comparable character depends upon the particular facts and circumstances. Factors to be considered in making such determination include, but are not limited to, substantial similarity with respect to the presence and nature of security for the obligation, the number of obligations issued (or to be issued), the number of holders of such obligation, the principal amount of the obligation, and other relevant factors.

(3) *Readily tradable.* For purposes of subparagraph (2)(i) of this paragraph, an obligation shall be treated as readily tradable if it is regularly quoted by brokers or dealers making a market in such obligation or is part of an issue a portion of which is in fact traded in an established securities market.

(4) *Established securities market.* For purposes of this paragraph, the term established securities market includes (i) a national securities exchange which is registered under section 6 of the Securities and Exchange Act of 1934 (15 U.S.C. 78f), (ii) an exchange which is exempted from registration under section 5 of the Securities Exchange Act of 1935 (15 U.S.C. 78e) because of its limited volume of transactions, and (iii) any over-the-counter market. For purposes of this subparagraph, an over-the-counter market is reflected by the existence of an interdealer quotation system. An interdealer quotation system is any system of general circulation to brokers and dealers which regularly disseminates quotations of obligations by identified brokers or dealers, other than a quotation sheet prepared and distributed by a broker or dealer in the regular course of his business and containing only quotations of such broker or dealer.

(5) *Examples.* The rules stated in this paragraph may be illustrated by the following examples:

Example (1). On June 1, 1971, 25 individuals owning equal interests in a tract of land with a fair market value of $1 million sell the land to corporation Y. The $1 million sales price is represented by 25 bonds issued by corporation Y each having a face value of $40,000. The bonds are not in registered form and do not have interest coupons attached, and, in addition, are payable in 120 equal installments each due on the first business day of each month. In addition, the bonds are negotiable and may be assigned by the holder to any other person. However, the bonds are not quoted by any brokers or dealers who deal in corporate bonds, and, furthermore, there are no comparable obligations of corporation Y (determined with reference to the characteristics set forth in subparagraph (2) of this paragraph) which

are so quoted. Therefore, the bonds are not treated as readily tradable in an established securities market. In addition, under the particular facts and circumstances stated, the bonds will not be considered to be in a form designed to render them readily tradeable in an established securities market. Since the bonds are not in registered form, do not have coupons attached, are not in a form designed to render them readily tradable in an established securities market, the receipt of such bonds by the holder is not treated as a payment for purposes of section 453(b), notwithstanding that they are freely assignable.

Example (2). On April 1, 1972, corporation M purchases in a casual sale of personal property a fleet of trucks from corporation N in exchange for corporation M's negotiable notes, not in registered form and without coupons attached. The corporation M notes are comparable to earlier notes issued by corporation M, which notes are quoted in the Eastern Bond section of the National daily quotation sheet, which is an interdealer quotation system. Both issues of notes are unsecured, held by more than 100 holders, have a maturity date of more than 5 years, and were issued for a comparable principal amount. On the basis of these similar characteristics it appears that the latest notes will also be readily tradable. Since an interdealer system reflects an over-the-counter market, the earlier notes are treated as readily tradable in an established securities market. Since the later notes are obligations comparable to the earlier ones, which are treated as readily tradable in an established securities market, the later notes are also treated as readily tradable in an established securities market (whether or not such notes are actually traded).

(e) *Special rule for convertible securities*—(1) *General rule.* For purposes of paragraph (d)(1) of this section, if an obligation contains a right whereby the holder of such obligation may convert it directly or indirectly into another obligation which would be treated as a payment under paragraph (b) of this section or may convert it directly or indirectly into stock which would be treated as readily tradable or designed to be readily tradable in an established securities market under paragraph (d) of this section, the convertible obligation shall be considered to be in a form designed to render such obligation readily tradable in an established securities market unless such obligation is convertible only at a substantial discount. In determining whether the stock or obligation, into which an obligation is convertible, is readily tradable or designed to be readily tradable in an established securities market, the rules stated in paragraph (d) of this section shall apply, and for purposes of such paragraph (d) if such obligation is convertible into stock then the term "stock" shall be substituted for the term "obligation" wherever it appears in such paragraph (d).

(2) *Substantial discount rule.* Whether an obligation is convertible at a substantial discount depends upon the particular facts and circumstances. A substantial discount shall be considered to exist if at the time the convertible obligation is issued, the fair market value of the stock or obligation into which the obligation is convertible is less than 80 percent of the fair market value of the obligation (determined by taking into account all relevant factors, including proper discount to reflect the fact that the convertible obligation is not readily tradable in an established securities market and any additional consideration required to be paid by the taxpayer). Also, if a privilege to convert an obligation into stock or an obligation which is readily tradable in an established securities market may not be exercised within a period of 1 year from the date the obligation is issued, a substantial discount shall be considered to exist.

(f) *Effective date.* The provisions of this section shall apply to sales or other dispositions occurring after May 27, 1969, which are not made pursuant to a binding written contract entered into on or before such date. No inference shall be drawn from this section as to any question of law concerning the application of section 453 to sales or other dispositions occurring on or before May 27, 1969.

[FR Doc.72-10598 Filed 7-10-72;8:54 am]

[T.D. 7195]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

SUBCHAPTER C—EMPLOYMENT TAXES

PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

Treatment of Payments for Expenses of Moving From One Residence to Another Residence

On March 18, 1971, notice of proposed rule making to conform the Income Tax Regulations (26 CFR Part 1) and the Employment Tax Regulations (26 CFR Part 31) to the amendments made by section 231 of the Tax Reform Act of 1969 (83 Stat. 577) and section 2 of Public Law 91-642 (84 Stat. 1880), superseding Part 13 (temporary income tax regulations relating to treatment of payments of expenses of moving from one residence to another residence (26 CFR Part 13)) of the regulations in this chapter and superseding the provisions of T.D. 7032 (approved March 11, 1970 (35 F.R. 4330) as they apply to elections under section 231(d)(2) of the Tax Reform Act of 1969 (83 Stat. 580)) was published in the FEDERAL REGISTER (36 F.R. 5227). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. Section 1.82-1, as set forth in paragraph 1 of the notice of proposed rule making, is changed by revising subparagraphs (2), (3), (4), and (5) of paragraph (a) and subparagraph (2) of paragraph (b). These revised provisions read as set forth below.

PAR. 2. Section 1.217-2, as set forth in paragraph 4 of the notice of proposed rule making, is changed by revising subparagraphs (1) and (3) of paragraph (a); subparagraphs (1), (3), (4), (7) (i), (iii), and (iv), (9) (i), (iv), (v), and (vi), and (10)(i) of paragraph (b); subparagraphs (3)(iii) and (4)(iv)(*a*) of paragraph (c); subparagraph (1) of paragraph (d); subparagraphs (3) and (4) (i) of paragraph (e); and subparagraph (3) of paragraph (g). These revised provisions read as set forth below.

PAR. 3. Section 31.6051-1, as set forth in paragraph 7 of the notice of proposed rule making, is changed by revising paragraph (e). The revised provision reads as set forth below.

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

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

Approved: July 5, 1972.

FREDERIC W. HICKMAN,
Acting Assistant Secretary of the Treasury.

The following regulations are hereby prescribed in order to conform the Income Tax Regulations (26 CFR Part 1) and the Employment Tax Regulations (26 CFR Part 31) to the amendments made by section 231 of the Tax Reform Act of 1969 (83 Stat. 577) and section 2 of Public Law 91-642 (84 Stat. 1880). The regulations set forth below supersede Part 13 of the regulations in this chapter, temporary income tax regulations relating to treatment of payments of expenses of moving from one residence to another residence (26 CFR Part 13). Section 1.217-2(g) of the regulations supersedes the provisions of T.D. 7032, approved March 11, 1970 (35 F.R. 4330) as they apply to elections under section 231(d)(2) of the Tax Reform Act of 1969 (83 Stat. 580).

PARAGRAPH 1. There are inserted after § 1.79-3 the following new sections:

§ 1.82 Statutory provisions; reimbursement for expenses of moving.

SEC. 82. *Reimbursement for expenses of moving.* There shall be included in gross income (as compensation for services) any amount received or accrued, directly or indirectly, by an individual as a payment for or reimbursement of expenses of moving from one residence to another residence which is attributable to employment or self-employment.

[Sec. 82 as added by sec. 231(b), Tax Reform Act 1969 (83 Stat. 579)]

§ 1.82-1 Payments for or reimbursements of expenses of moving from one residence to another residence attributable to employment or self-employment.

(a) *Reimbursements in gross income*—(1) *In general.* Any amount received or accrued, directly or indirectly, by an individual as a payment for or reimbursement of expenses of moving from one residence to another residence attributable to employment or self-employment is includible in gross income under section 82 as compensation for services in the taxable year received or accrued. For rules relating to the year a deduction may be allowed for expenses of moving from one residence to another residence,

see section 217 and the regulations thereunder.

(2) *Amounts received or accrued as reimbursement or payment.* For purposes of this section, amounts are considered as being received or accrued by an individual as reimbursement or payment whether received in the form of money, property, or services. A cash basis taxpayer will include amounts in gross income under section 82 when they are received or treated as received by him. Thus, for example, if an employer moves an employee's household goods and personal effects from the employee's old resident to his new residence using the employer's facilities, the employee is considered as having received a payment in the amount of the fair market value of the services furnished at the time the services are furnished by the employer. If the employer pays a mover for moving the employee's household goods and personal effects, the employee is considered as having received the payment at the time the employer pays the mover, rather than at the time the mover moves the employee's household goods and personal effects. Where an employee receives a loan or advance from an employer to enable him to pay his moving expenses, the employee will not be deemed to have received a reimbursement of moving expenses until such time as he accounts to his employer if he is not required to repay such loan or advance and if he makes such accounting within a reasonable time. Such loan or advance will be deemed to be a reimbursement of moving expenses at the time of such accounting to the extent used by the employee for such moving expenses.

(3) *Direct or indirect payments or reimbursements.* For purposes of this section amounts are considered as being received or accrued whether received directly (paid or provided to an individual by an employer, a client, a customer, or similar person) or indirectly (paid to a third party on behalf of an individual by an employer, a client, a customer, or similar person). Thus, if an employer pays a mover for the expenses of moving an employee's household goods and personal effects from one residence to another residence, the employee has indirectly received a payment which is includible in his gross income under section 82.

(4) *Expenses of moving from one residence to another residence.* An expense of moving from one residence to another residence is any expenditure, cost, loss, or similar item paid or incurred in connection with a move from one residence to another residence. Moving expenses include (but are not limited to) any expenditure, cost, loss, or similar item directly or indirectly resulting from the acquisition, sale, or exchange of property, the transportation of goods or property, or travel (by the taxpayer or any other person) in connection with a change in residence. Such expenses include items described in section 217(b) (relating to the definition of moving expenses), irrespective of the dollar limitations contained in section 217(b)(3) and the conditions contained in section 217(c), as well as items not described in section 217(b), such as a loss sustained on the sale or exchange of personal property, storage charges, taxes, or expenses of refitting rugs or draperies.

(5) *Attributable to employment or self-employment.* Any amount received or accrued from an employer, a client, a customer, or similar person in connection with the performance of services for such employer, client, customer, or similar person, is attributable to employment or self-employment. Thus, for example, if an employer reimburses an employee for a loss incurred on the sale of the employee's house, reimbursement is attributable to the performance of services if made because of the employer-employee relationship. Similarly, if an employer in order to prevent an employee's sustaining a loss on a sale of a house acquires the property from the employee at a price in excess of fair market value, the employee is considered to have received a payment attributable to employment to the extent that such payment exceeds the fair market value of the property.

(b) *Effective date*—(1) *In general.* Except as provided in subparagraph (2) of this paragraph, paragraph (a) of this section is applicable only to amounts received or accrued in taxable years beginning after December 31, 1969.

(2) *Election with respect to payments or reimbursements for expenses paid or incurred before January 1, 1971.* Paragraph (a) of this section does not apply with respect to moving expenses paid or incurred before January 1, 1971, in connection with the commencement of work by an employee at a new principal place of work where such employee had been notified by his employer on or before December 19, 1969, of such move and the employee makes an election under paragraph (g) of § 1.217–2.

PAR. 2. Section 1.217 is amended by revising section 217 and by revising the historical note to read as follows:

§ 1.217 Statutory provisions; moving expenses.

SEC. 217. *Moving expenses*—(a) *Deduction allowed.* There shall be allowed as a deduction moving expenses paid or incurred during the taxable year in connection with the commencement of work by the taxpayer as an employee or as a self-employed individual at a new principal place of work.

(b) *Definition of moving expenses*—(1) *In general.* For purposes of this section, the term "moving expenses" means only the reasonable expenses—

(A) Of moving household goods and personal effects from the former residence to the new residence,

(B) Of traveling (including meals and lodging) from the former residence to the new place of residence,

(C) Of traveling (including meals and lodging), after obtaining employment, from the former residence to the general location of the new principal place of work and return, for the principal purpose of searching for a new residence,

(D) Of meals and lodging while occupying temporary quarters in the general location of the new principal place of work during any period of 30 consecutive days after obtaining employment, or

(E) Constituting qualified residence sale, purchase, or lease expenses.

(2) *Qualified residence sale, etc., expenses.* For purposes of paragraph (1)(E), the term "qualified residence sale, purchase, or lease expenses" means only reasonable expenses incident to—

(A) The sale or exchange by the taxpayer or his spouse of the taxpayer's former residence (not including expenses for work performed on such residence in order to assist in its sale) which (but for this subsection and subsection (e)) would be taken into account in determining the amount realized on the sale or exchange,

(B) The purchase by the taxpayer or his spouse of a new residence in the general location of the new principal place of work which (but for this subsection and subsection (e)) would be taken into account in determining—

(i) The adjusted basis of the new residence, or

(ii) The cost of a loan (but not including any amounts which represent payments or prepayments of interest),

(C) The settlement of an unexpired lease held by the taxpayer or his spouse on property used by the taxpayer as his former residence, or

(D) The acquisition of a lease by the taxpayer or his spouse on property used by the taxpayer as his new residence in the general location of the new principal place of work (not including amounts which are payments or prepayments of rent).

(3) *Limitations*—(A) *Dollar limits.* The aggregate amount allowable as a deduction under subsection (a) in connection with a commencement of work which is attributable to expenses described in subparagraph (C) or (D) of paragraph (1) shall not exceed $1,000. The aggregate amount allowable as a deduction under subsection (a) which is attributable to qualified residence sale, purchase, or lease expenses shall not exceed $2,500, reduced by the aggregate amount so allowable which is attributable to expenses described in subparagraph (C) or (D) of paragraph (1).

(B) *Husband and wife.* If a husband and wife both commence work at a new principal place of work within the same general location, subparagraph (A) shall be applied as if there was only one commencement of work. In the case of a husband and wife filing separate returns, subparagraph (A) shall be applied by substituting "$500" for "$1,000", and by substituting "$1,250" for "$2,500".

(C) *Individuals other than taxpayer.* In the case of any individual other than the taxpayer, expenses referred to in subparagraphs (A) through (D) of paragraph (1) shall be taken into account only if such individual has both the former residence and the new residence as his principal place of abode and is a member of the taxpayer's household.

(c) *Conditions for allowance.* No deduction shall be allowed under this section unless—

(1) The taxpayer's new principal place of work—

(A) Is at least 50 miles farther from his former residence than was his former principal place of work, or

(B) If he had no former principal place of work, is at least 50 miles from his former residence, and

(2) Either—

(A) During the 12-month period immediately following his arrival in the general location of his new principal place of work, the taxpayer is a full-time employee, in such general location, during at least 39 weeks, or

(B) During the 24-month period immediately following his arrival in the general location of his new principal place of work, the taxpayer is a full-time employee or performs services as a self-employed individual on a full-time basis, in such general location, during at least 78 weeks, of which not less than 39 weeks are during the 12-month period referred to in subparagraph (A).

For purposes of paragraph (1), the distance between two points shall be the shortest of the more commonly traveled routes between such two points.

(d) *Rules for application of subsection* (c)(2). (1) The condition of subsection (c)(2) shall not apply if the taxpayer is unable to satisfy such condition by reason of—

(A) Death or disability, or

(B) Involuntary separation (other than for willful misconduct) from the service of, or transfer for the benefit of, an employer after obtaining full-time employment in which the taxpayer could reasonably have been expected to satisfy such condition.

(2) If a taxpayer has not satisfied the condition of subsection (c)(2) before the time prescribed by law (including extensions thereof) for filing the return for the taxable year during which he paid or incurred moving expenses which would otherwise be deductible under this section, but may still satisfy such condition, then such expenses may (at the election of the taxpayer) be deducted for such taxable year notwithstanding subsection (c)(2).

(3) If—

(A) For any taxable year moving expenses have been deducted in accordance with the rule provided in paragraph (2), and

(B) The condition of subsection (c)(2) cannot be satisfied at the close of a subsequent taxable year,

then an amount equal to the expenses which were so deducted shall be included in gross income for the first such subsequent taxable year.

(e) *Denial of double benefit*. The amount realized on the sale of the residence described in subparagraph (A) of subsection (b)(2) shall not be decreased by the amount of any expenses described in such subparagraph which are allowed as a deduction under subsection (a), and the basis of a residence described in subparagraph (B) of subsection (b)(2) shall not be increased by the amount of any expenses described in such subparagraph which are allowed as a deduction under subsection (a). This subsection shall not apply to any expenses with respect to which an amount is included in gross income under subsection (d)(3).

(f) *Rules for self-employed individuals*—(1) *Definition*. For purposes of this section, the term "self-employed individual" means an individual who performs personal services—

(A) As the owner of the entire interest in an unincorporated trade or business, or

(B) As a partner in a partnership carrying on a trade or business.

(2) *Rule for application of subsections* (b)(1)(C) *and* (D). For purposes of subparagraphs (C) and (D) of subsection (b)(1), an individual who commences work at a new principal place of work as a self-employed individual shall be treated as having obtained employment when he has made substantial arrangements to commence such work.

(g) *Regulations*. The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section.

[Sec. 217 as added by sec. 213(a)(1), Rev. Act 1964 (78 Stat. 50); as amended by sec. 231(a) Tax Reform Act 1969 (83 Stat. 577)]

PAR. 3. Section 1.217-1 is amended by revising the heading and paragraph (a)(1) thereof to read as follows:

§ 1.217-1 Deduction for moving expenses paid or incurred in taxable years beginning before January 1. 1970.

(a) *Allowance of deduction*—(1) *In general*. Section 217(a) allows a deduction from gross income for moving expenses paid or incurred by the taxpayer during the taxable year in connection with the commencement of work as an employee at a new principal place of work. Except as provided in section 217, no deduction is allowable for any expenses incurred by the taxpayer in connection with moving himself, the members of his family or household, or household goods and personal effects. The deduction allowable under this section is only for expenses incurred after December 31, 1963, in taxable years ending after such date and beginning before January 1, 1970, except in cases where a taxpayer makes an election under paragraph (g) of § 1.217-2 with respect to moving expenses paid or incurred before January 1, 1971, in connection with the commencement of work by such taxpayer as an employee at a new principal place of work of which such taxpayer has been notified by his employer on or before December 19, 1969. To qualify for the deduction the expenses must meet the definition of the term "moving expenses" provided in section 217(b); the taxpayer must meet the conditions set forth in section 217(c); and, if the taxpayer receives a reimbursement or other expense allowance for an item of expense, the deduction for the portion of the expense reimbursed is allowable only to the extent that such reimbursement or other expense allowance is included in his gross income as provided in section 217(e). The deduction is allowable only to a taxpayer who pays or incurs moving expenses in connection with his commencement of work as an employee and is not allowable to a taxpayer who pays or incurs such expenses in connection with his commencement of work as a self-employed individual. The term "employee" as used in this section has the same meaning as in § 31.3401(c)-1 of this chapter (Employment Tax Regulations). All references to section 217 in this section are to section 217 prior to the effective date of section 231 of the Tax Reform Act of 1969 (83 Stat. 577).

* * * * *

PAR. 4. There is inserted immediately after § 1.217-1 the following new section:

§ 1.217-2 Deduction for moving expenses paid or incurred in taxable years beginning after December 31, 1969.

(a) *Allowance of deduction*—(1) *In general*. Section 217(a) allows a deduction from gross income for moving expenses paid or incurred by the taxpayer during the taxable year in connection with his commencement of work as an employee or as a self-employed individual at a new principal place of work. For purposes of this section, amounts are considered as being paid or incurred by an individual whether goods or services are furnished to the taxpayer directly (by an employer, a client, a customer, or similar person) or indirectly (paid to a third party on behalf of the taxpayer by an employer, a client, a customer, or similar person). A cash basis taxpayer will treat moving expenses as being paid for purposes of section 217 and this section in the year in which the taxpayer is considered to have received such payment under section 82 and § 1.82-1. No deduction is allowable under section 162 for any expenses incurred by the taxpayer in connection with moving from one residence to another residence unless such expenses are deductible under section 162 without regard to such change in residence. To qualify for the deduction under section 217 the expenses must meet the definition of the term "moving expenses" provided in section 217(b) and the taxpayer must meet the conditions set forth in section 217(c). The term "employee" as used in this section has the same meaning as in § 31.3401(c)-1 of this chapter (Employment Tax Regulations). The term "self-employed individual" as used in this section is defined in paragraph (f)(1) of this section.

(2) *Expenses paid in a taxable year other than the taxable year in which reimbursement representing such expenses is received*. In general, moving expenses are deductible in the year paid or incurred. If a taxpayer who uses the cash receipts and disbursements method of accounting receives reimbursement for a moving expense in a taxable year other than the taxable year the taxpayer pays such expense, he may elect to deduct such expense in the taxable year that he receives such reimbursement, rather than the taxable year when he paid such expense in any case where—

(i) The expense is paid in a taxable year prior to the taxable year in which the reimbursement is received, or

(ii) The expense is paid in the taxable year immediately following the taxable year in which the reimbursement is received, provided that such expense is paid on or before the due date prescribed for filing the return (determined with regard to any extension of time for such filing) for the taxable year in which the reimbursement is received.

An election to deduct moving expenses in the taxable year that the reimbursement is received shall be made by claiming the deduction on the return, amended return, or claim for refund for the taxable year in which the reimbursement is received.

(3) *Commencement of work*. (i) To be deductible the moving expenses must be paid or incurred by the taxpayer in connection with his commencement of work at a new principal place of work (see paragraph (c)(3) of this section for a discussion of the term "principal place of work"). Except for those expenses described in section 217(b)(1)(C) and

(D) it is not necessary for the taxpayer to have made arrangements to work prior to his moving to a new location; however, a deduction is not allowable unless employment or self-employment actually does occur. The term "commencement" includes (*a*) the beginning of work by a taxpayer as an employee or as a self-employed individual for the first time or after a substantial period of unemployment or part-time employment, (*b*) the beginning of work by a taxpayer for a different employer or in the case of a self-employed individual in a new trade or business, or (*c*) the beginning of work by a taxpayer for the same employer or in the case of a self-employed individual in the same trade or business at a new location. To qualify as being in connection with the commencement of work, the move must bear a reasonable proximity both in time and place to such commencement at the new principal place of work. In general, moving expenses incurred within 1 year of the date of the commencement of work are considered to be reasonably proximate in time to such commencement. Moving expenses incurred after the 1-year period may be considered reasonably proximate in time if it can be shown that circumstances existed which prevented the taxpayer from incurring the expenses of moving within the 1-year period allowed. Whether circumstances existed which prevented the taxpayer from incurring the expenses of moving within the period allowed is dependent upon the facts and circumstances of each case. The length of the delay and the fact that the taxpayer may have incurred part of the expenses of the move within the 1-year period allowed shall be taken into account in determining whether expenses incurred after such period are allowable. In general, a move is not considered to be reasonably proximate in place to the commencement of work at the new principal place of work where the distance between the taxpayer's new residence and his new principal place of work exceeds the distance between his former residence and his new principal place of work. A move to a new residence which does not satisfy this test may, however, be considered reasonably proximate in place to the commencement of work if the taxpayer can demonstrate, for example, that he is required to live at such residence as a condition of employment or that living at such residence will result in an actual decrease in commuting time or expense. For example, assume A is transferred by his employer to a new principal place of work and the distance between his former residence and his new principal place of work is 50 miles greater than was the distance between his former residence and his former principal place of work. However, the distance between his new residence and his new principal place of work is 10 miles greater than was the distance between his former residence and his new principal place of work. Although the minimum distance requirement of section 217(c)(1) is met the expenses of moving to the new residence are not considered as incurred in connection with A's commencement of work at his new principal place of work since the new residence is not proximate in place to the new place of work. If, however, A can demonstrate, for example, that he is required to live at such new residence as a condition of employment or if living at such new residence will result in an actual decrease in commuting time or expense, the expenses of the move may be considered as incurred in connection with A's commencement of work at his new principal place of work.

(ii) The provisions of subdivision (i) of this subparagraph may be illustrated by the following examples:

Example (1). Assume that A is transferred by his employer from Boston, Mass., to Washington, D.C. A moves to a new residence in Washington, D.C., and commences work on February 1, 1971. A's wife and his two children remain in Boston until June 1972 in order to allow A's children to complete their grade school education in Boston. On June 1, 1972, A sells his home in Boston and his wife and children move to the new residence in Washington, D.C. The expenses incurred on June 1, 1972, in selling the old residence and in moving A's family, their household goods, and personal effects to the new residence in Washington are allowable as a deduction although they were incurred 16 months after the date of the commencement of work by A since A has moved to and established a new residence in Washington, D.C., and thus incurred part of the total expenses of the move prior to the expiration of the 1-year period.

Example (2). Assume that A is transferred by his employer from Washington, D.C., to Baltimore, Md. A commences work on January 1, 1971, in Baltimore. A commutes from his residence in Washington to his new principal place of work in Baltimore for a period of 18 months. On July 1, 1972, A decides to move to and establish a new residence in Baltimore. None of the moving expenses otherwise allowable under section 217 may be deducted since A neither incurred the expenses within 1 year nor has shown circumstances under which he was prevented from moving within such period.

(b) *Definition of moving expenses*—(1) *In general*. Section 217(b) defines the term "moving expenses" to mean only the reasonable expenses (i) of moving household goods and personal effects from the taxpayer's former residence to his new residence, (ii) of traveling (including meals and lodging) from the taxpayer's former residence to his new place of residence, (iii) of traveling (including meals and lodging), after obtaining employment, from the taxpayer's former residence to the general location of his new principal place of work and return, for the principal purpose of searching for a new residence, (iv) of meals and lodging while occupying temporary quarters in the general location of the new principal place of work during any period of 30 consecutive days after obtaining employment, or (v) of a nature constituting qualified residence sale, purchase, or lease expenses. Thus, the test of deductibility is whether the expenses are reasonable and are incurred for the items set forth in subdivisions (i) through (v) of this subparagraph.

(2) *Reasonable expenses*. (i) The term "moving expenses" includes only those expenses which are reasonable under the circumstances of the particular move. Expenses paid or incurred in excess of a reasonable amount are not deductible. Generally, expenses paid or incurred for movement of household goods and personal effects or for travel (including meals and lodging) are reasonable only to the extent that they are paid or incurred for such movement or travel by the shortest and most direct route available from the former residence to the new residence by the conventional mode or modes of transportation actually used and in the shortest period of time commonly required to travel the distance involved by such mode. Thus, if moving or travel arrangements are made to provide a circuitous route for scenic, stopover, or other similar reasons, additional expenses resulting therefrom are not deductible since they are not reasonable nor related to the commencement of work at the new principal place of work. In addition, expenses paid or incurred for meals and lodging while traveling from the former residence to the new place of residence or to the general location of the new principal place of work and return or occupying temporary quarters in the general location of the new principal place of work are reasonable only if under the facts and circumstances involved such expenses are not lavish or extravagant.

(ii) The application of this subparagraph may be illustrated by the following example:

Example. A, an employee of the M Company works and maintains his residence in Boston, Mass. Upon receiving orders from his employer that he is to be transferred to M's Los Angeles, Calif., office, A motors to Los Angeles with his family with stopovers at various cities between Boston and Los Angeles to visit friends and relatives. In addition, A detours into Mexico for sightseeing. Because of the stopovers and tour into Mexico, A's travel time and distance are increased over what they would have been had he proceeded directly to Los Angeles. To the extent that A's route of travel between Boston and Los Angeles is in a generally southwesterly direction it may be said that he is traveling by the shortest and most direct route available by motor vehicle. Since A's excursion into Mexico is away from the usual Boston-Los Angeles route, the portion of the expenses paid or incurred attributable to such excursion is not deductible. Likewise, that portion of the expenses attributable to A's delay en route in visiting personal friends and sightseeing are not deductible.

(3) *Expense of moving household goods and personal effects*. Expenses of moving household goods and personal effects include expenses of transporting such goods and effects from the taxpayer's former residence to his new residence, and expenses of packing, crating, and in-transit storage and insurance for such goods and effects. Such expenses also include any costs of connecting or disconnecting utilities required because of the moving of household goods, appliances, or personal effects. Expenses of storing and insuring household goods and personal effects constitute in-transit

expenses if incurred within any consecutive 30-day period after the day such goods and effects are moved from the taxpayer's former residence and prior to delivery at the taxpayer's new residence. Expenses paid or incurred in moving household goods and personal effects to the taxpayer's new residence from a place other than his former residence are allowable, but only to the extent that such expenses do not exceed the amount which would be allowable had such goods and effects been moved from the taxpayer's former residence. Expenses of moving household goods and personal effects do not include, for example, storage charges (other than in-transit), costs incurred in the acquisition of property, costs incurred and losses sustained in the disposition of property, penalties for breaking leases, mortgage penalties, expenses of refitting rugs or draperies, losses sustained on the disposal of memberships in clubs, tuition fees, and similar items. The above expenses may, however, be described in other provisions of section 217(b) and if so a deduction may be allowed for them subject to the allowable dollar limitations.

(4) *Expenses of traveling from the former residence to the new place of residence.* Expenses of traveling from the former residence to the new place of residence include the cost of transportation and of meals and lodging en route (including the date of arrival) from the taxpayer's former residence to his new place of residence. Expenses of meals and lodging incurred in the general location of the former residence within 1 day after the former residence is no longer suitable for occupancy because of the removal of household goods and personal effects shall be considered as expenses of traveling for purposes of this subparagraph. The date of arrival is the day the taxpayer secures lodging at the new place of residence, even if on a temporary basis. Expenses of traveling from the taxpayer's former residence to his new place of residence do not include, for example, living or other expenses following the date of arrival at the new place of residence and while waiting to enter the new residence or waiting for household goods to arrive, expenses in connection with house or apartment hunting, living expenses preceding date of departure for the new place of residence (other than expenses of meals and lodging incurred within 1 day after the former residence is no longer suitable for occupancy), expenses of trips for purposes of selling property, expenses of trips to the former residence by the taxpayer pending the move by his family to the new place of residence, or any allowance for depreciation. The above expenses may, however, be described in other provisions of section 217(b) and if so a deduction may be allowed for them subject to the allowable dollar limitations. The deduction for traveling expenses from the former residence to the new place of residence is allowable for only one trip made by the taxpayer and members of his household; however, it is not necessary that the taxpayer and all members of his household travel together or at the same time.

(5) *Expenses of traveling for the principal purpose of looking for a new residence.* Expenses of traveling, after obtaining employment, from the former residence to the general location of the new principal place of work and return, for the principal purpose of searching for a new residence include the cost of transportation and meals and lodging during such travel and while at the general location of the new place of work for the principal purpose of searching for a new residence. However, such expenses do not include, for example, expenses of meals and lodging of the taxpayer and members of his household before departing for the new principal place of work, expenses for trips for purposes of selling property, expenses of trips to the former residence by the taxpayer pending the move by his family to the place of residence, or any allowance for depreciation. The above expenses may, however, be described in other provisions of section 217(b) and if so a deduction may be allowed for them. The deduction for expenses of traveling for the principal purpose of looking for a new residence is not limited to any number of trips by the taxpayer and by members of his household. In addition, the taxpayer and all members of his household need not travel together or at the same time. Moreover, a trip need not result in acquisition of a lease of property or purchase of property. An employee is considered to have obtained employment in the general location of the new principal place of work after he has obtained a contract or agreement of employment. A self-employed individual is considered to have obtained employment when he has made substantial arrangements to commence work at the new principal place of work (see paragraph (f)(2) of this section for a discussion of the term "made substantial arrangements to commence to work").

(6) *Expenses of occupying temporary quarters.* Expenses of occupying temporary quarters include only the cost of meals and lodging while occupying temporary quarters in the general location of the new principal place of work during any period of 30 consecutive days after the taxpayer has obtained employment in such general location. Thus, expenses of occupying temporary quarters do not include, for example, the cost of entertainment, laundry, transportation, or other personal, living family expenses, or expenses of occupying temporary quarters in the general location of the former place of work. The 30 consecutive day period is any one period of 30 consecutive days which can begin, at the option of the taxpayer, on any day after the day the taxpayer obtains employment in the general location of the new principal place of work.

(7) *Qualified residence sale, purchase, or lease expenses.* Qualified residence sale, purchase, or lease expenses (hereinafter "qualified real estate expenses") are only reasonable amounts paid or incurred for any of the following purposes:

(i) Expenses incident to the sale or exchange by the taxpayer or his spouse of the taxpayer's former residence which, but for section 217 (b) and (e), would be taken into account in determining the amount realized on the sale or exchange of the residence. These expenses include real estate commissions, attorneys' fees, title fees, escrow fees, so called "points" or loan placement charges which the seller is required to pay, State transfer taxes and similar expenses paid or incurred in connection with the sale or exchange. No deduction, however, is permitted under section 217 and this section for the cost of physical improvements intended to enhance salability by improving the condition or appearance of the residence.

(ii) Expenses incident to the purchase by the taxpayer or his spouse of a new residence in the general location of the new principal place of work which, but for section 217 (b) and (e), would be taken into account in determining either the adjusted basis of the new residence or the cost of a loan. These expenses include attorneys' fees, escrow fees, appraisal fees, title costs, so-called "points" or loan placement charges not representing payments or prepayments of interest, and similar expenses paid or incurred in connection with the purchase of the new residence. No deduction, however, is permitted under section 217 and this section for any portion of real estate taxes or insurance, so-called "points" or loan placement charges which are, in essence, prepayments of interest, or the purchase price of the residence.

(iii) Expenses incident to the settlement of an unexpired lease held by the taxpayer or his spouse on property used by the taxpayer as his former residence. These expenses include consideration paid to a lessor to obtain a release from a lease, attorneys' fees, real estate commissions, or similar expenses incident to obtaining a release from a lease or to obtaining an assignee or a sublessee such as the difference between rent paid under a primary lease and rent received under a sublease. No deduction, however, is permitted under section 217 and this section for the cost of physical improvement intended to enhance marketability of the leasehold by improving the condition or appearance of the residence.

(iv) Expenses incident to the acquisition of a lease by the taxpayer or his spouse. These expenses include the cost of fees or commissions for obtaining a lease, a sublease, or an assignment of an interest in property used by the taxpayer as his new residence in the general location of the new principal place of work. No deduction, however, is permitted under section 217 and this section for payments or prepayments of rent or payments representing the cost of a security or other similar deposit.

Qualified real estate expenses do not include losses sustained on the disposition of property or mortgage penalties, to the extent that such penalties are otherwise deductible as interest.

(8) *Residence.* The term "former residence" refers to the taxpayer's principal

residence before his departure for his new principal place of work. The term "new residence" refers to the taxpayer's principal residence within the general location of his new principal place of work. Thus, neither term includes other residences owned or maintained by the taxpayer or members of his family or seasonal residences such as a summer beach cottage. Whether or not property is used by the taxpayer as his principal residence depends upon all the facts and circumstances in each case. Property used by the taxpayer as his principal residence may include a houseboat, a housetrailer, or similar dwelling. The term "new place of residence" generally includes the area within which the taxpayer might reasonably be expected to commute to his new principal place of work.

(9) *Dollar limitations.* (i) Expenses described in subparagraphs (A) and (B) of section 217(b)(1) are not subject to an overall dollar limitation. Thus, assuming all other requirements of section 217 are satisfied, a taxpayer who, in connection with his commencement of work at a new principal place of work, pays or incurs reasonable expenses of moving household goods and personal effects from his former residence to his new place of residence and reasonable expenses of traveling, including meals and lodging, from his former residence to his new place of residence is permitted to deduct the entire amount of these expenses.

(ii) Expenses described in subparagraphs (C), (D), and (E) of section 217(b)(1) are subject to an overall dollar limitation for each commencement of work of $2,500 of which the expenses described in subparagraphs (C) and (D) of section 217(b)(1) cannot exceed $1,000. The dollar limitation applies to the amount of expenses paid or incurred in connection with each commencement of work and not to the amount of expenses paid or incurred in each taxable year. Thus, for example, a taxpayer who paid or incurred $2,000 of expenses described in subparagraphs (C), (D), and (E) of section 217(b)(1) in taxable year 1971 in connection with his commencement of work at a principal place of work and paid or incurred an additional $2,000 of such expenses in taxable year 1972 in connection with the same commencement of work is permitted to deduct the $2,000 of such expenses paid or incurred in taxable year 1971 and only $500 of such expenses paid or incurred in taxable year 1972.

(iii) A taxpayer who pays or incurs expenses described in subparagraphs (C), (D), and (E) of section 217(b)(1) in connection with the same commencement of work may choose to deduct any combination of such expenses within the dollar amounts specified in subdivision (ii) of this subparagraph. For example, a taxpayer who pays or incurs such expenses in connection with the same commencement of work may either choose to deduct: (*a*) Expenses described in subparagraphs (C) and (D) of section 217(b)(1) to the extent of $1,000 before deducting any of the expenses described in subparagraph (E) of such section, or (*b*) expenses described in subparagraph (E) of section 217(b)(1) to the extent of $2,500 before deducting any of the expenses described in subparagraphs (C) and (D) of such section.

(iv) For the purpose of computing the dollar limitation contained in subparagraph (A) of section 217(b)(3) a commencement of work by a taxpayer at a new principal place of work and a commencement of work by his spouse at a new principal place of work which are in the same general location constitute a single commencement of work. Two principal places of work are treated as being in the same general location where the taxpayer and his spouse reside together and commute to their principal places of work. Two principal places of work are not treated as being in the same general location where, as of the close of the taxable year, the taxpayer and his spouse have not shared the same new residence nor made specific plans to share the same new residence within a determinable time. Under such circumstances, the separate commencements of work by a taxpayer and his spouse will be considered separately in assigning the dollar limitations and expenses to the appropriate return in the manner described in subdivisions (v) and (vi) of this subparagraph.

(v) Moving expenses (described in subparagraphs (C), (D), and (E) of section 217(b)(1)), paid or incurred with respect to the commencement of work by both a husband and wife which is considered a single commencement of work under subdivision (iv) of this subparagraph are subject to an overall dollar limitation of $2,500 per move of which the expenses described in subparagraphs (C) and (D) of section 217(b)(1) cannot exceed $1,000. If separate returns are filed with respect to the commencement of work by both a husband and wife which is considered a single commencement of work under subdivision (vi) of this subparagraph moving expenses (described in subparagraphs (C), (D), and (E) of section 217(b)(1)) are subject to an overall dollar limitation of $1,250 per move of which the expenses described in subparagraphs (C) and (D) of section 217(b)(1) cannot exceed $500 with respect to each return. Where moving expenses are paid or incurred in more than 1 taxable year with respect to a single commencement of work by a husband and wife they shall, for purposes of applying the dollar limitations to such move, be subjected to a $2,500 and $1,000 limitation for all such years that they file a joint return and shall be subject to a separate $1,250 and $500 limitation for all such years that they file separate returns. If a joint return is filed for the first taxable year moving expenses are paid or incurred with respect to a move but separate returns are filed in a subsequent year, the unused portion of the amount which may be deducted shall be allocated equally between the husband and wife in the later year. If separate returns are filed for the first taxable year such moving expenses are paid or incurred but a joint return is filed in a subsequent year, the deductions claimed on their separate returns shall be aggregated for purposes of determining the unused portion of the amount which may be deducted in the later year.

(vi) The application of subdivisions (iv) and (v) of this subparagraph may be illustrated by the following examples:

Example (1). A, who was transferred by his employer, effective January 15, 1971, moved from Boston, Mass., to Washington, D.C. A's wife was transferred by her employer, effective January 15, 1971, from Boston, Mass., to Baltimore, Md. A and his wife reside together at the same new residence. A and his wife are cash basis taxpayers and file a joint return for taxable year 1971. Because A and his wife reside together at the new residence, the commencement of work by both is considered a single commencement of work under subdivision (iv) of this subparagraph. They are permitted to deduct with respect to their commencement of work in Washington and Baltimore up to $2,500 of the expenses described in subparagraphs (C), (D), and (E) of section 217(b)(1) of which the expenses described in subparagraphs (C) and (D) of such section cannot exceed $1,000.

Example (2). Assume the same facts as in example (1) except that for taxable year 1971, A and his wife file separate returns. Because A and his wife reside together, the commencement of work by both is considered a single commencement of work under subdivision (iv) of this subparagraph. A is permitted to deduct with respect to his commencement of work in Washington up to $1,250 of the expenses described in subparagraphs (C), (D), and (E) of section 217(b)(1) of which the expenses described in subparagraphs (C) and (D) cannot exceed $500. A is not permitted to deduct any of the expenses described in subparagraphs (C), (D), and (E) of section 217(b)(1) paid by his wife in connection with her commencement of work at a new principal place of work. A's wife is permitted to deduct with respect to her commencent of work in Baltimore up to $1,250 of the expenses described in subparagraphs (C), (D), and (E) of section 217(b)(1) that are paid by her of which the expenses described in subparagraphs (C) and (D) cannot exceed $500. A's wife is not permitted to deduct any of the expenses described in subparagraphs (C), (D), and (E) of section 217(b)(1) paid by A in connection with his commencement of work in Washington, D.C.

Example (3). Assume the same facts as in example (1) except that A and his wife take up separate residences in Washington and Baltimore, do not reside together during the entire taxable year, and have no specific plans to reside together. The commencement of work by A in Washington, D.C., and by his wife in Baltimore are considered separate commencements of work since their principal places of work are not treated as being in the same general location. If A and his wife file a joint return for taxable year 1971, the moving expenses described in subparagraphs (C), (D), and (E) of section 217(b)(1) paid in connection with the commencement of work by A in Washington, D.C., and his wife in Baltimore, Md., are subject to an overall limitation of $5,000 of which the expenses described in subparagraphs (C) and (D) cannot exceed $2,000. If A and his wife file separate returns for taxable year 1971, A may deduct up to $2,500 of the expenses described in subparagraphs (C), (D), and (E) of which the expenses described in subparagraphs (C) and (D) cannot exceed $1,000. A's wife may

deduct up to $2,500 of the expenses described in subparagraphs (C), (D), and (E) of which the expenses described in subparagraphs (C) and (D) cannot exceed $1,000.

(10) *Individuals other than taxpayer.* (i) In addition to the expenses set forth in subparagraphs (A) through (D) of section 217(b)(1) attributable to the taxpayer alone, the same type of expenses attributable to certain individuals other than the taxpayer, if paid or incurred by the taxpayer, are deductible. These other individuals must be members of the taxpayer's household, and have both the taxpayer's former residence and his new residence as their principal place of abode. A member of the taxpayer's household includes any individual residing at the taxpayer's residence who is neither a tenant nor an employee of the taxpayer. Thus, for example, a member of the taxpayer's household may not be an individual such as a servant, governess, chauffeur, nurse, valet, or personal attendant. However, for purposes of this paragraph, a tenant or employee will be considered a member of the taxpayer's household where the tenant or employee is a dependent of the taxpayer as defined in section 152.

(ii) In addition to the expenses set forth in section 217(b)(2) paid or incurred by the taxpayer attributable to property sold, purchased, or leased by the taxpayer alone, the same type of expenses paid or incurred by the taxpayer attributable to property sold, purchased, or leased by the taxpayer's spouse or by the taxpayer and his spouse are deductible providing such property is used by the taxpayer as his principal place of residence.

(c) *Conditions for allowance*—(1) *In general.* Section 217(c) provides two conditions which must be satisfied in order for a deduction of moving expenses to be allowed under section 217(a). The first is a minimum distance condition prescribed by section 217(c)(1), and the second is a minimum period of employment condition prescribed by section 217(c)(2).

(2) *Minimum distance.* For purposes of applying the minimum distance condition of section 217(c)(1) all taxpayers are divided into one or the other of the following categories: Taxpayers having a former principal place of work, and taxpayers not having a former principal place of work. Included in this latter category are individuals who are seeking fulltime employment for the first time either as an employee or on a self-employed basis (for example, recent high school or college graduates), or individuals who are reentering the labor force after a substantial period of unemployment or part-time employment.

(i) In the case of a taxpayer having a former principal place of work, section 217(c)(1)(A) provides that no deduction is allowable unless the distance between the former residence and the new principal place of work exceeds by at least 50 miles the distance between the former residence and the former principal place of work.

(ii) In the case of a taxpayer not having a former principal place of work, section 217(c)(1)(B) provides that no deduction is allowable unless the distance between the former residence and the new principal place of work is at least 50 miles.

(iii) For purposes of measuring distances under section 217(c)(1) the distance between two geographic points is measured by the shortest of the more commonly traveled routes between such points. The shortest of the more commonly traveled routes refers to the line of travel and the mode or modes of transportation commonly used to go between two geographic points comprising the shortest distance between such points irrespective of the route used by the taxpayer.

(3) *Principal place of work.* (i) A taxpayer's "principal place of work" usually is the place where he spends most of his working time. The principal place of work of a taxpayer who performs services as an employee is his employer's plant, office, shop, store, or other property. The principal place of work of a taxpayer who is self-employed is the plant, office, shop, store, or other property which serves as the center of his business activities. However, a taxpayer may have a principal place of work even if there is no one place where he spends a substantial portion of his working time. In such case, the taxpayer's principal place of work is the place where his business activities are centered—for example, because he reports there for work, or is required either by his employer or the nature of his employment to "base" his employment there. Thus, while a member of a railroad crew may spend most of his working time aboard a train, his principal place of work is his home terminal, station, or other such central point where he reports in, checks out, or receives instructions. The principal place of work of a taxpayer who is employed by a number of employers on a relatively short-term basis, and secures employment by means of a union hall system (such as a construction or building trades worker) would be the union hall.

(ii) Where a taxpayer has more than one employment (i.e., the taxpayer is employed by more than one employer, or is self-employed in more than one trade or business, or is an employee and is self-employed at any particular time) his principal place of work is determined with reference to his principal employment. The location of a taxpayer's principal place of work is a question of fact determined on the basis of the particular circumstances in each case. The more important factors to be considered in making this determination are (*a*) the total time ordinarily spent by the taxpayer at each place, (*b*) the degree of the taxpayer's business activity at each place, and (*c*) the relative significance of the financial return to the taxpayer from each place.

(iii) Where a taxpayer maintains inconsistent positions by claiming a deduction for expenses of meals and lodging while away from home (incurred in the general location of the new principal place of work) under section 162 (relating to trade or business expenses) and by claiming a deduction under this section for moving expenses incurred in connection with the commencement of work at such place of work, it will be a question of facts and circumstances as to whether such new place of work will be considered a principal place of work, and accordingly, which category of deductions he will be allowed.

(4) *Minimum period of employment.* (i) Under section 217(c)(2) no deduction is allowed unless—

(*a*) Where a taxpayer is an employee, during the 12-month period immediately following his arrival in the general location of the new principal place of work, he is a full-time employee, in such general location, during at least 39 weeks, or

(*b*) Where a taxpayer is a self-employed individual (including a taxpayer who is also an employee, but is unable to satisfy the requirements of the 39-week test of (*a*) of this subdivision (i)), during the 24-month period immediately following his arrival in the general location of the new principal place of work, he is a full-time employee or performs services as a self-employed individual on a full-time basis, in such general location, during at least 78 weeks, of which not less than 39 weeks are during the 12-month period referred to above.

Where a taxpayer works as an employee and at the same time performs services as a self-employed individual his principal employment (determined according to subdivision (i) of subparagraph (3) of this paragraph) governs whether the 39-week or 78-week test is applicable.

(ii) The 12-month period and the 39-week period set forth in subparagraph (A) of section 217(c)(2) and the 12- and 24-month periods as well as 39- and 78-week periods set forth in subparagraph (B) of such section are measured from the date of the taxpayer's arrival in the general location of the new principal place of work. Generally, date of arrival is the date of the termination of the last trip preceding the taxpayer's commencement of work on a regular basis and is not the date the taxpayer's family or household goods and effects arrive.

(iii) The taxpayer need not remain in the employ of the same employer or remain self-employed in the same trade or business for the required number of weeks. However, he must be employed in the same general location of the new principal place of work during such period. The "general location" of the new principal place of work refers to a general commutation area and is usually the same area as the "new place of residence"; see paragraph (b)(8) of this section.

(iv) Only those weeks during which the taxpayer is a full-time employee or during which he performs services as a self-employed individual on a full-time basis qualify as a week of work for purposes of the minimum period of employment condition of section 217(c)(2).

(*a*) Whether an employee is a full-time employee during any particular week depends upon the customary practices of the occupation in the geographic area in which the taxpayer works. Where employment is on a seasonal basis, weeks occurring in the off-season when no work is required or available may be counted as weeks of full-time employment only if the employee's contract or agreement of employment covers the off-season period and such period is less than 6 months. Thus, for example, a schoolteacher whose employment contract covers a 12-month period and who teaches on a full-time basis for more than 6 months is considered a full-time employee during the entire 12-month period. A taxpayer will be treated as a full-time employee during any week of involuntary temporary absence from work because of illness, strikes, shutouts, layoffs, natural disasters, etc. A taxpayer will, also, be treated as a full-time employee during any week in which he voluntarily absents himself from work for leave or vacation provided for in his contract or agreement of employment.

(*b*) Whether a taxpayer performs services as a self-employed individual on a full-time basis during any particular week depends on the practices of the trade or business in the geographic area in which the taxpayer works. For example, a self-employed dentist maintaining office hours 4 days a week is considered to perform services as a self-employed individual on a full-time basis providing it is not unusual for other self-employed dentists in the geographic area in which the taxpayer works to maintain office hours only 4 days a week. Where a trade or business is seasonal, weeks occurring during the off-season when no work is required or available may be counted as weeks of performance of services on a full-time basis only if the off-season is less than 6 months and the taxpayer performs services on a full-time basis both before and after the off-season. For example, a taxpayer who owns and operates a motel at a beach resort is considered to perform services as a self-employed individual on a full-time basis if the motel is closed for a period not exceeding 6 months during the off-season and if he performs services on a full-time basis as the operator of a motel both before and after the off-season. A taxpayer will be treated as performing services as a self-employed individual on a full-time basis during any week of involuntary temporary absence from work because of illness, strikes, natural disasters, etc.

(v) Where taxpayers file a joint return, either spouse may satisfy the minimum period of employment condition. However, weeks worked by one spouse may not be added to weeks worked by the other spouse in order to satisfy such condition. The taxpayer seeking to satisfy the minimum period of employment condition must satisfy the condition applicable to him. Thus, if a taxpayer is subject to the 39-week condition and his spouse is subject to the 78-week condition and the taxpayer satisfies the 39-week condition, his spouse need not satisfy the 78-week condition. On the other hand, if the taxpayer does not satisfy the 39-week condition, his spouse in such case must satisfy the 78-week condition.

(vi) The application of this subparagraph may be illustrated by the following examples:

Example (1). A is an electrician residing in New York City. He moves himself, his family, and his household goods and personal effects, at his own expense, to Denver where he commences employment with the M Aircraft Corporation. After working full-time for 30 weeks he voluntarily leaves his job, and he subsequently moves to and commences employment in Los Angeles, Calif., which employment lasts for more than 39 weeks. Since A was not employed in the general location of his new principal place of employment in Denver for at least 39 weeks, no deduction is allowable for moving expenses paid or incurred between New York City and Denver. A will be allowed to deduct only those moving expenses attributable to his move from Denver to Los Angeles, assuming all other conditions of section 217 are met.

Example (2). Assume the same facts as in example (1), except that A's wife commences employment in Denver at the same time as A, and that she continues to work in Denver for at least 9 weeks after A's departure for Los Angeles. Since she has met the 39-week requirement in Denver, and assuming all other requirements of section 217 are met, the moving expenses paid by A attributable to the move from New York City to Denver will be allowed as a deduction, provided A and his wife file a joint return. If A and his wife file separate returns moving expenses paid by A's wife attributable to the move from New York City to Denver will be allowed as a deduction on A's wife's return.

Example (3). Assume the same facts as in example (1), except that A's wife commences employment in Denver on the same day that A departs for Los Angeles, and continues to work in Denver for 9 weeks thereafter. Since neither A (who has worked 30 weeks) nor his wife (who has worked 9 weeks) has independently satisfied the 39-week requirement, no deduction for moving expenses attributable to the move from New York City to Denver is allowable.

(d) *Rules for application of section 217(c)(2)*—(1) *Inapplicability of minimum period of employment condition in certain cases*. Section 217(d)(1) provides that the minimum period of employment condition of section 217(c)(2) does not apply in the case of a taxpayer who is unable to meet such condition by reason of—

(i) Death or disability, or

(ii) Involuntary separation (other than for willfull misconduct) from the service of an employer or separation by reason of transfer for the benefit of an employer after obtaining full-time employment in which the taxpayer could reasonably have been expected to satisfy such condition.

For purposes of subdivision (i) of this paragraph disability shall be determined according to the rules in section 72(m)(7) and § 1.72-17(f). Subdivision (ii) of this subparagraph applies only where the taxpayer has obtained full-time employment in which he could reasonably have been expected to satisfy the minimum period of employment condition. A taxpayer could reasonably have been expected to satisfy the minimum period of employment condition if at the time he commences work at the new principal place of work he could have been expected, based upon the facts known to him at such time, to satisfy such condition. Thus, for example, if the taxpayer at the time of transfer was not advised by his employer that he planned to transfer him within 6 months to another principal place of work, the taxpayer could, in the absence of other factors, reasonably have been expected to satisfy the minimum employment period condition at the time of the first transfer. On the other hand, a taxpayer could not reasonably have been expected to satisfy the minimum employment condition if at the time of the commencement of the move he knew that his employer's retirement age policy would prevent his satisfying the minimum employment period condition.

(2) *Election of deduction before minimum period of employment condition is satisfied*. (i) Paragraph (2) of section 217(d) provides a rule which applies where a taxpayer paid or incurred, in a taxable year, moving expenses which would be deductible in that taxable year except that the minimum period of employment condition of section 217(c)(2) has not been satisfied before the time prescribed by law for filing the return for such taxable year. The rule provides that where a taxpayer has paid or incurred moving expenses and as of the date prescribed by section 6072 for filing his return for such taxable year (determined with regard to extensions of time for filing) there remains unexpired a sufficient portion of the 12-month or the 24-month period so that it is still possible for the taxpayer to satisfy the applicable period of employment condition, the taxpayer may elect to claim a deduction for such moving expenses on the return for such taxable year. The election is exercised by taking the deduction on the return.

(ii) Where a taxpayer does not elect to claim a deduction for moving expenses on the return for the taxable year in which such expenses were paid or incurred in accordance with subdivision (i) of this subparagraph and the applicable minimum period of employment condition of section 217(c)(2) (as well as all other requirements of section 217) is subsequently satisfied, the taxpayer may file an amended return or a claim for refund for the taxable year such moving expenses were paid or incurred on which he may claim a deduction under section 217.

(iii) The application of this subparagraph may be illustrated by the following examples:

Example (1). A is transferred by his employer from Boston, Massachusetts, to Cleveland, Ohio. He begins working there on November 1, 1970. Moving expenses are paid by A in 1970 in connection with this move. On April 15, 1971, when he files his income tax

return for the year 1970, A has been a full-time employee in Cleveland for approximately 24 weeks. Although he has not satisfied the 39-week employment condition at this time, A may elect to claim his 1970 moving expenses on his 1970 income tax return as there is still sufficient time remaining before November 1, 1971, to satisfy such condition.

Example (2). Assume the same facts as in example (1), except that on April 15, 1971, A has voluntarily left his employer and is looking for other employment in Cleveland. A may not be sure he will be able to meet the 39-week employment condition by November 1, 1971. Thus, he may if he wishes wait until such condition is met and file an amended return claiming as a deduction the expenses paid in 1970. Instead of filing an amended return A may file a claim for refund based on a deduction for such expenses. If A fails to meet the 39-week employment condition on or before November 1, 1971, no deduction is allowable for such expenses.

Example (3). B is a self-employed accountant. He moves from Rochester, N.Y., to New York, N.Y., and begins to work there on December 1, 1970. Moving expenses are paid by B in 1970 and 1971 in connection with this move. On April 15, 1971, when he files his income tax return for the year 1970, B has been performing services as a self-employed individual on a full-time basis in New York City for approximately 20 weeks. Although he has not satisfied the 78-week employment condition at this time, A may elect to claim his 1970 moving expenses on his 1970 income tax return as there is still sufficient time remaining before December 1, 1972, to satisfy such condition. On April 15, 1972, when he files his income tax return for the year 1971, B has been performing services as a self-employed individual on a full-time basis in New York City for approximately 72 weeks. Although he has not met the 78-week employment condition at this time, B may elect to claim his 1971 moving expenses on his 1971 income tax return as there is still sufficient time remaining before December 1, 1972, to satisfy such requirement.

(3) *Recapture of deduction.* Paragraph (3) of section 217(d) provides a rule which applies where a taxpayer has deducted moving expenses under the election provided in section 217(d)(2) prior to satisfying the applicable minimum period of employment condition and such condition cannot be satisfied at the close of a subsequent taxable year. In such cases an amount equal to the expenses deducted must be included in the taxpayer's gross income for the taxable year in which the taxpayer is no longer able to satisfy such minimum period of employment condition. Where the taxpayer has deducted moving expenses under the election provided in section 217(d)(2) for the taxable year and subsequently files an amended return for such year on which he does not claim the deduction, such expenses are not treated as having been deducted for purposes of the recapture rule of the preceding sentence.

(e) *Denial of double benefit*—(1) *In general.* Section 217(e) provides a rule for computing the amount realized and the basis where qualified real estate expenses are allowed as a deduction under section 217(a).

(2) *Sale or exchange of residence.* Section 217(e) provides that the amount realized on the sale or exchange of a residence owned by the taxpayer, by the taxpayer's spouse, or by the taxpayer and his spouse and used by the taxpayer as his principal place of residence is not decreased by the amount of any expenses described in subparagraph (A) of section 217(b)(2) and deducted under section 217(a). For the purposes of section 217(e) and of this paragraph the term "amount realized" has the same meaning as under section 1001(b) and the regulations thereunder. Thus, for example, if the taxpayer sells a residence used as his principal place of residence and real estate commissions or similar expenses described in subparagraph (A) of section 217(b)(2) are deducted by him pursuant to section 217(a), the amount realized on the sale of the residence is not reduced by the amount of such real estate commissions or such similar expenses described in subparagraph (A) of section 217(b)(2).

(3) *Purchase of a residence.* Section 217(e) provides that the basis of a residence purchased or received in exchange for other property by the taxpayer, by the taxpayer's spouse, or by the taxpayer and his spouse and used by the taxpayer as his principal place of residence is not increased by the amount of any expenses described in subparagraph (B) of section 217(b)(2) and deducted under section 217(a). For the purposes of section 217(e) and of this paragraph the term "basis" has the same meaning as under section 1011 and the regulations thereunder. Thus, for example, if a taxpayer purchases a residence to be used as his principal place of residence and attorneys' fees or similar expenses described in subparagraph (B) of section 217(b)(2) are deducted pursuant to section 217(a), the basis of such residence is not increased by the amount of such attorneys' fees or such similar expenses described in subparagraph (B) of section 217(b)(2).

(4) *Inapplicability of section 217(e).* (i) Section 217(e) and subparagraphs (1) through (3) of this paragraph do not apply to any expenses with respect to which an amount is included in gross income under section 217(d)(3). Thus, the amount of any expenses described in subparagraph (A) of section 217(b)(2) deducted in the year paid or incurred pursuant to the election under section 217(d)(2) and subsequently recaptured pursuant to section 217(d)(3) may be taken into account in computing the amount realized on the sale or exchange of the residence described in such subparagraph. Also, the amount of expenses described in subparagraph (B) of section 217(b)(2) deducted in the year paid or incurred pursuant to such election under section 217(d)(2) and subsequently recaptured pursuant to section 217(d)(3) may be taken into account as an adjustment to the basis of the residence described in such subparagraph.

(ii) The application of subdivision (i) of this subparagraph may be illustrated by the following examples:

Example (1). A was notified of his transfer effective December 15, 1972, from Seattle, Wash., to Philadelphia, Pa. In connection with the transfer A sold his house in Seattle on November 10, 1972. Expenses incident to the sale of the house of $2,500 were paid by A prior to or at the time of the closing of the contract of sale on December 10, 1972. The amount realized on the sale of the house was $47,500 and the adjusted basis of the house was $30,000. Pursuant to the election provided in section 217(d)(2), A deducted the expenses of moving from Seattle to Philadelphia including the expenses incident to the sale of his former residence in taxable year 1972. Dissatisfied with his position with his employer in Philadelphia, A took a position with an employer in Chicago, Ill., on July 15, 1973. Since A was no longer able to satisfy the minimum period employment condition at the close of taxable year 1973 he included an amount equal to the amount deducted as moving expenses including the expenses incident to the sale of his former residence in gross income for taxable year 1973. A is permitted to decrease the amount realized on the sale of the house by the amount of the expenses incident to the sale of the house deducted from gross income and subsequently included in gross income. Thus, the amount realized on the sale of the house is decreased from $47,500 to $45,000 and thus, the gain on the sale of the house is reduced from $17,500 to $15,000. A is allowed to file an amended return or a claim for refund in order to reflect the recomputation of the amount realized.

Example (2). B, who is self-employed decided to move from Washington, D.C., to Los Angeles, Calif. In connection with the commencement of work in Los Angeles on March 1, 1973, B purchased a house in a suburb of Los Angeles for $65,000. Expenses incident to the purchase of the house in the amount of $1,500 were paid by B prior to or at the time of the closing of the contract of sale on September 15, 1973. Pursuant to the election provided in section 217(d)(2), B deducted the expenses of moving from Washington to Los Angeles including the expenses incident to the purchase of his new residence in taxable year 1973. Dissatisfied with his prospects in Los Angeles, B moved back to Washington on July 1, 1974. Since B was no longer able to satisfy the minimum period of employment condition at the close of taxable year 1974 he included an amount equal to the amount deducted as moving expenses incident to the purchase of the former residence in gross income for taxable year 1974. B is permitted to increase the basis of the house by the amount of the expenses incident to the purchase of the house deducted from gross income and subsequently included in gross income. Thus, the basis of the house is increased to $66,500.

(f) *Rules for self-employed individuals*—(1) *Definition.* Section 217(f)(1) defines the term "self-employed individual" for purposes of section 217 to mean an individual who performs personal services either as the owner of the entire interest in an unincorporated trade or business or as a partner in a partnership carrying on a trade or business. The term "self-employed individual" does not include the semiretired, part-time students, or other similarly situated taxpayers who work only a few hours each week. The application of this subparagraph may be illustrated by the following example:

Example. A is the owner of the entire interest in an unincorporated construction business. A hires a manager who performs all of the daily functions of the business including the negotiation of contracts with customers, the hiring and firing of employees, the purchasing of materials used on the projects, and other similar services. A and his manager discuss the operations of

the business about once a week over the telephone. Otherwise A does not perform any managerial services for the business. For the purposes of section 217, A is not considered to be a self-employed individual.

(2) *Rule for application of subsection (b)(1) (C) and (D)*. Section 217(f)(2) provides that for purposes of subparagraphs (C) and (D) of section 217(b)(1) an individual who commences work at a new principal place of work as a self-employed individual is treated as having obtained employment when he has made substantial arrangements to commence such work. Whether the taxpayer has made substantial arrangements to commence work at a new principal place of work is determined on the basis of all the facts and circumstances in each case. The factors to be considered in this determination depend upon the nature of the taxpayer's trade or business and include such considerations as whether the taxpayer has: (i) Leased or purchased a plant, office, shop, store, equipment, or other property to be used in the trade or business, (ii) made arrangements to purchase inventory or supplies to be used in connection with the operation of the trade or business, (iii) entered into commitments with individuals to be employed in the trade or business, and (iv) made arrangements to contact customers or clients in order to advertise the business in the general location of the new principal place of work. The application of this subparagraph may be illustrated by the following examples:

Example (1). A, a partner in a growing chain of drug stores decided to move from Houston, Tex., to Dallas, Tex., in order to open a drug store in Dallas. A made several trips to Dallas for the purpose of looking for a site for the drug store. After the signing of a lease on a building in a shopping plaza, suppliers were contacted, equipment was purchased, and employees were hired. Shortly before the opening of the store A and his wife moved from Houston to Dallas and took up temporary quarters in a motel until the time their apartment was available. By the time he and his wife took up temporary quarters in the motel A was considered to have made substantial arrangements to commence work at the new principal place of work.

Example (2). B, who is a partner in a securities brokerage firm in New York, N.Y., decided to move to Rochester, N.Y., to become the resident partner in the firm's new Rochester office. After a lease was signed on an office in downtown Rochester B moved to Rochester and took up temporary quarters in a motel until his apartment became available. Before the opening of the office B supervised the decoration of the office, the purchase of equipment and supplies necessary for the operation of the office, the hiring of personnel for the office, as well as other similar activities. By the time B took up temporary quarters in the motel he was considered to have made substantial arrangements to commence to work at the new principal place of work.

Example (3). C, who is about to complete his residency in ophthalmology at a hospital in Pittsburgh, Pa., decided to fly to Philadelphia, Pa., for the purpose of looking into opportunities for practicing in that city. Following his arrival in Philadelphia C decided to establish his practice in that city. He leased an office and an apartment. At the time he departed Pittsburgh for Philadelphia C was not considered to have made substantial arrangements to commence work at the new principal place of work, and, therefore, is not allowed to deduct expenses described in subparagraph (C) of section 217(b)(1) (relating to expenses of traveling (including meals and lodging), after obtaining employment, from the former residence to the general location of the new principal place of work and return, for the principal purpose of searching for a new residence).

(g) *Effective date*—(1) *In general*. This section, except as provided in subparagraphs (2) and (3) of this paragraph, is applicable to items paid or incurred in taxable years beginning after December 31, 1969.

(2) *Reimbursement not included in gross income*. This section does not apply to items to the extent that the taxpayer received or accrued in a taxable year beginning before January 1, 1970, a reimbursement or other expense allowance for such items which was not included in his gross income.

(3) *Election in cases of expenses paid or incurred before January 1, 1971, in connection with certain moves*—(i) *In general*. A taxpayer who was notified by his employer on or before December 19, 1969, of a transfer to a new principal place of work and who pays or incurs moving expenses after December 31, 1969, but before January 1, 1971, in connection with such transfer may elect to have the rules governing moving expenses in effect prior to the effective date of section 231 of the Tax Reform Act of 1969 (83 Stat. 577) govern such expenses. If such election is made, this section and section 82 and the regulations thereunder do not apply to such expenses. A taxpayer is considered to have been notified on or before December 19, 1969, by his employer of a transfer, for example, if before such date the employer has sent a notice to all employees or a reasonably defined group of employees, which includes such taxpayer, of a relocation of the operations of such employer from one plant or facilitiy to another plant or facility. An employee who is transferred to a new principal place of work for the benefit of his employer and who makes an election under this paragraph is permitted to exclude amounts received or accrued, directly or indirectly, as payment for or reimbursement of expenses of moving household goods and personal effects from the former residence to the new residence and of traveling (including meals and lodging) from the former residence to the new place of residence. Such exclusion is limited to amounts received or accrued, directly or indirectly, as a payment for or reimbursement of the expenses described above. Amounts in excess of actual expenses paid or incurred must be included in gross income. No deduction is allowable under section 217 for expenses representing amounts excluded from gross income. Also, an employee who is transferred to a new principal place of work which is less than 50 miles but at least 20 miles farther from his former residence than was his former principal place of work and who is not reimbursed, either directly or indirectly, for the expenses described above is permitted to deduct such expenses providing all of the requirements of section 217 and the regulations thereunder prior to the effective date of section 231 of the Tax Reform Act of 1969 (83 Stat. 577) are satisfied.

(ii) *Election made before the date of publication of this notice as a Treasury decision*. An election under this subparagraph made before the date of publication of this notice as a Treasury decision shall be made pursuant to the procedure prescribed in temporary income tax regulations relating to treatment of payments of expenses of moving from one residence to another residence (Part 13 of this chapter) T.D. 7032 (35 F.R. 4330), approved March 11, 1970.

(iii) *Election made on or after the date of publication of this notice as a Treasury decision*. An election made under this subparagraph on or after the date of publication of this notice as a Treasury decision shall be made not later than the time, including extensions thereof, prescribed by law for filing the income tax return for the year in which the expenses were paid or 30 days after the date of publication of this notice as a Treasury decision, whichever occurs last. The election shall be made by a statement attached to the return (or the amended return) for the taxable year, setting forth the following information:

(*a*) The items to which the election relates;

(*b*) The amount of each item;

(*c*) The date each item was paid or incurred; and

(*d*) The date the taxpayer was informed by his employer of his transfer to the new principal place of work.

(iv) *Revocation of election*. An election made in accordance with this subparagraph is revocable upon the filing by the taxpayer of an amended return or a claim for refund with the district director, or the director of the Internal Revenue service center with whom the election was filed not later than the time prescribed by law, including extensions thereof, for the filing of a claim for refund with respect to the items to which the election relates.

PAR. 5. Section 1.1001 is amended by adding new subsections (e) and (f) to section 1001 and by revising the historical note, as follows:

§ 1.1001 Statutory provisions; determination of amount of and recognition of gain or loss.

SEC. 1001. *Determination of amount of and recognition of gain or loss*. * * *

(e) *Certain term interests*—(1) *In general*. In determining gain or loss from the sale or other disposition of a term interest in property, that portion of the adjusted basis of such interest which is determined pursuant to section 1014 or 1015 (to the extent that such adjusted basis is a portion of the entire adjusted basis of the property) shall be disregarded.

(2) *Term interest in property defined*. For purposes of paragraph (1), the term "term interest in property" means—

(A) A life interest in property,

(B) An interest in property for a term of years, or

(C) An income interest in a trust.

(3) *Exception*. Paragraph (1) shall not apply to a sale or other disposition which is a part of a transaction in which the entire interest in property is transferred to any person or persons.

(f) *Cross reference*. For treatment of certain expenses incident to the sale of a residence which were deducted as moving expenses by the taxpayer or his spouse under section 217(a), see section 217(e).

[Sec. 1001 as amended by secs. 231(c)(2) and 516(a), Tax Reform Act 1969 (83 Stat. 579, 646)]

PAR. 6. Section 1.1016 is amended by deleting subsection (c) of section 1016, by adding immediately after subsection (b) of that section new subsection (c), and by revising the historical note. As amended § 1.1016 reads as follows:

§ 1.1016 Statutory provisions; adjustments to basis.

SEC. 1016. *Adjustments to basis*. * * *

(c) *Cross references*. (1) For treatment of certain expenses incident to the purchase of a residence which were deducted as moving expenses by the taxpayer or his spouse under section 217(a), see section 217(e).

(2) For treatment of separate mineral interests as one property, see section 614.

[Sec. 1016 as amended by sec. 4(c), Act of June 29, 1957 (Public Law 629, 84th Cong., 70 Stat. 407); secs. 2(b) and 64(d)(2), Technical Amendments Act 1958 (72 Stat. 1607, 1656); sec. 3(d)(1) and (2), Life Insurance Company Income Tax Act 1959 (73 Stat. 139); secs. 2(f), 8(g)(2), and 12(b)(4), Rev. Act 1962 (72 Stat. 972, 998, 1031); sec. 203(a)(3)(C), Rev. Act 1964 (78 Stat. 34); sec. 227(b)(5), Rev. Act 1964 (78 Stat. 98); sec. 231(c)(3), Tax Reform Act 1969 (83 Stat. 580)]

PAR. 7. Section 31.6051-1 is amended by redesignating paragraph (e) as new paragraph (f) and by adding new paragraph (e) immediately after paragraph (d). These new provisions read as follows:

§ 31.6051-1 Statement for employees.

* * * * *

(e) *Reporting of reimbursements of or payments of expenses of moving from one residence to another residence after July 23, 1971*. Every employer who after July 23, 1971, makes reimbursement to, or payment to (other than direct cash reimbursement), an employee for his expenses of moving from one residence to another residence which is includable in gross income under section 82 shall furnish to the best of his ability to such employee information sufficient to assist the employee in the computation of any deduction allowable under section 217 with respect to such reimbursement or payment. The information required under this paragraph may be furnished on Form 4782 provided by the Internal Revenue Service or may be furnished on forms provided by the employer so long as the employee receives the same information he would have received had he been furnished with a completed Form 4782. The information shall include the amount of the reimbursement or payment and whether the reimbursement or payment was made directly to a third party for the benefit of an employee or furnished in kind to the employee. In addition, information shall be furnished as to whether the reimbursement or payment represents an expense described in subparagraphs (A) through (E) of section 217(b)(1), and if so, the amount and nature of the expenses described in each such subparagraph. The information described in this paragraph shall be furnished at the same time or before the written statement required by section 6051(a) is furnished in respect of the calendar year for which the information provided under this paragraph is required. The information required under this paragraph shall be provided for the taxable year in which the payment or reimbursement is received by the employee. For determining the taxable year in which a payment or reimbursement is received, see section 82 and § 1.82-1.

[FR Doc.72-10596 Filed 7-10-72;8:54 am]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5224]

[Riverside 2042]

CALIFORNIA

Withdrawal of Land for Protection of Recreation and Public Values

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:

1. Subject to valid existing rights, the following described public lands which are under the jurisdiction of the Secretary of the Interior 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 the mineral leasing laws, for protection of the recreation and public values:

SAN BERNARDINO MERIDIAN

T. 6 S., R. 5 E.,
Sec. 2, NW¼SW¼, S½SW¼, S½SE¼;
Sec. 10, E½, N½NW¼;
Sec. 12, N½NE¼, NW¼, N½SW¼, SW¼SW¼.
T. 15 S., R. 9 E.,
Sec. 31, SE¼;
Sec. 32, SW¼.
T. 16 S., R. 9 E.,
Sec. 5, lots 7 and 8;
Sec. 6, lots 8 and 9.
T. 16 S., R. 9 E.,
Sec. 10, E½SW¼NE¼, SE¼NE¼, E½W½SE¼, and E½SE¼.
T. 17 S., R. 11 E.,
Sec. 18, lots 1, 2, and 3, S½NW¼NE¼, SW¼NE¼, E½NW¼, NE¼SW¼, W½NE¼SE¼, and NW¼SE¼.
T. 9 N., R. 12 E. (partly unsurveyed),
Secs. 3 to 6, inclusive;
Sec. 7, NE¼, E½NW¼, and NE¼SE¼;
Sec. 8, N½ and N½S½;
Sec. 9, N½ and NW¼SW¼.
T. 10 N., R. 12 E.,
Secs. 19 to 22, inclusive;
Secs. 27 to 34, inclusive;
Sec. 35, W½W½.
T. 14 N., R. 13 E.,
Sec. 1, S½;
Secs. 2 and 3;
Sec. 4, S½;
Secs. 8, 9, 10, 11, and 12;
Sec. 13, N½NE¼, SW¼NE¼, NW¼, and S½;
Secs. 14, 15, 17, 20, 21, and 22;
Sec. 23, N½, SW¼, and NW¼SE¼;
Sec. 24;
Sec. 25, N½, NE¼SW¼, S½SW¼, and SE¼;
Sec. 26, NW¼NW¼, S½N½, and S½;
Secs. 27, 28, 29, 32, 33, 34, and 35.
T. 14 N., R. 14 E.,
Sec. 6, lots 1 and 2 in SW¼;
Sec. 7, lots 1 and 2 in NW¼, lots 1 and 2 in SW¼, and SW¼SE¼;
Sec. 18, W½NE¼, NW¼SE¼, S½SE¼, lots 1 and 2 in SW¼, lot 1 in NW¼, and N½ lot 2 in NW¼;
Sec. 19;
Sec. 30, lots 1 and 2 in NW¼, lots 1 and 2 in SW¼, and SE¼.
T. 3 N., R. 21 E.,
Sec. 28, SE¼ (unsurveyed).
T. 4 S., R. 16 E.,
Sec. 26, SW¼NW¼ and W½SW¼;
Sec. 27, S½NE¼ and SE¼NW¼;
Sec. 28, SE¼ and SE¼SW¼;
Secs. 33 and 34.
T. 9 N., R. 20 E.,
Sec. 22, W½SW¼.
T. 11 N., R. 1 W. (partly unsurveyed),
Sec. 18, S½;
Sec. 19;
Sec. 30, W½NE¼, lots 1 and 2 in NW¼, N½ lots 1 and 2 in SW¼, and NW¼SE¼.
T. 11 N., R. 2 W.,
Sec. 23, SE¼NE¼ and E½SE¼;
Sec. 24;
Sec. 26, E½NE¼ and NE¼SE¼.

MOUNT DIABLO MERIDIAN

T. 27 S., R. 43 E. (unsurveyed),
Sec. 4, N½ and SW¼;
Sec. 5, NE¼ and N½SE¼.

SAN BERNARDINO MERIDIAN

T. 2 N., R. 24 E.,
Sec. 8, S½SW¼;
Sec. 17, N½NW¼.
T. 3 N., R. 5 E.,
Sec. 30, lot 9;
Sec. 31, lots 2 and 3.
T. 7 N., R. 3 E.,
Sec. 3, lots 1 and 2, and S½NE¼.
T. 7 N., R. 4 E.,
Sec. 18, NE¼;
Sec. 30, NE¼.
T. 8 N., R. 3 E.,
Sec. 4, S½NW¼ and N½SW¼.
T. 16½ S., R. 10 E.,
Sec. 2, S½S½NE¼, W½NE¼SE¼, and NW¼SE¼.
T. 17 S., R. 11 E.,
Sec. 6, lot 7.
T. 8 S., R. 6 E.,
Sec. 20, SE¼SE¼.
T. 13 N., R. 11 E.,
Sec. 12.
T. 13 N., R. 12 E.,
Secs. 5 to 8, inclusive.
T. 14 N., R. 12 E.,
Sec. 28, SW¼;
Sec. 29, SE¼;
Secs. 31 and 32.
T. 11 N., R. 15 E.,
Sec. 1, lots 7 and 8;
Sec. 2, E½SE¼NE¼ and E½NE¼SE¼.
T. 11 N., R. 15 E.,
Sec. 15, W½NE¼ and W½E½NE¼.
T. 7 S., R. 21 E.,
Sec. 30, NE¼NE¼, E½NW¼NE¼, NE¼SW¼NE¼, and N½SE¼NE¼.
T. 11 N., R. 15 E.,
Sec. 18, lots 8, 9, 10, and 11, and W½ lot 12.

T. 15 N., R. 10 E.,
Sec. 14, S½S½SE¼;
Sec. 23, N½NE¼ and N½SW¼NE¼.
T. 12 N., R. 11 E.,
Sec. 33, NW¼SE¼.
T. 5 S., R. 13 E. (partly unsurveyed),
Sec. 14, SE¼SW¼;
Sec. 23, W½NE¼, SE¼NE¼, E½NW¼, SW¼, N½SE¼, and SW¼SE¼;
Sec. 26, NW¼NE¼ and N½NW¼;
Sec. 27, E½NE¼.
T. 14 N., R. 18 E.,
Sec. 7, E½ lot 16 and W½ lot 17.
T. 14 N., R. 18 E.,
Sec. 20, SE¼SE¼SW¼ and SW¼SW¼SE¼;
Sec. 29, NW¼NW¼NE¼ and N½NE¼NW¼.
T. 5 S., R. 20 E.,
Sec. 17, E½SE¼ (unsurveyed).
T. 6 S., R. 21 E.,
Sec. 18, lot 14.

MOUNT DIABLO MERIDIAN

T. 32 S., R. 46 E.,
Sec. 19, S½ lot 1 in NW¼ and SW¼NE¼.
T. 31 S., R. 45 E.,
Sec. 30, lots 2, 3, and 4, SE¼NW¼, E½SW¼, and SE¼.

SAN BERNARDINO MERIDIAN

T. 12 N., R. 14 E.,
Sec. 12, E½SE¼SW¼, S½N½SE¼, and S½SE¼;
Sec. 13, NE¼, E½NE¼NW¼, E½SW¼NW¼, SE¼NW¼, NE¼SW¼, E½NW¼SW¼, N½SE¼SW¼, NE¼SW¼SW¼, N½SE¼, and N½SW¼SE¼.
T. 12 N., R. 18 E.,
Sec. 13, S½NE¼SW¼, SE¼SW¼, S½N½SE¼, and SW¼SE¼;
Sec. 24, N½NE¼, N½SW¼NE¼, SW¼SW¼NE¼, and NW¼.
T. 8 S., R. 20 E. (partly unsurveyed),
Sec. 28, W½W½;
Sec. 29, S½NE¼ and SE¼;
Sec. 32, N½NE¼;
Sec. 33, NW¼NW¼.
T. 11 N., R. 15 E.,
Sec. 8, SW¼.
T. 15 S., R. 10 E.,
Sec. 31, lot 4, SE¼SW¼, and SE¼.
T. 16 S., R. 10 E.,
Sec. 5, SW¼NW¼;
Sec. 6, lots 1 to 5, inclusive, N½SW¼NE¼, SE¼NE¼, and N½SE¼NW¼.
T. 11 N., R. 6 E.,
Sec. 18, lots 3 and 4, E½SW¼, and SE¼.
T. 7 N., R. 1 W.,
Sec. 27, lots 1, 2, NW¼NW¼, S½NW¼, N½SW¼;
Sec. 28, N½, NE¼SW¼, SE¼.
T. 8 N., R. 13 E.,
Sec. 4, lots 1, 2, 6, 7, 8, 9, 11, S½SE¼;
Sec. 7, lot 1.
T. 8 N., R. 12 E.,
Sec. 12, NE¼NW¼.
T. 6 S., R. 16 E. (unsurveyed),
Sec. 20, SE¼SE¼;
Sec. 21, SW¼SW¼;
Sec. 28, W½NW¼;
Sec. 29, E½NE¼.
T. 8 S., R. 20 E.,
Sec. 9, E½, E½W½ (unsurveyed).

The areas described aggregate approximately 49,114 acres in Imperial, Riverside, and San Bernardino Counties.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws. However, leases, licenses, contracts, or permits will be issued only if the proposed use of the lands will not interfere with the proper management and conservation of the biological, geological, natural, and recreation values, and protection of archeological and prehistoric materials.

3. Executive Order No. 4202 of April 14, 1925, as far as it withdrew the following described land is hereby revoked:

SAN BERNARDINO MERIDIAN

T. 7 N., R. 3 E.,
Sec. 3, lots 1 and 2, S½NE¼.

The tracts described contain 170.87 acres.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JULY 5, 1972.

[FR Doc.72-10541 Filed 7-10-72;8:48 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 72-577]

PART 1—PRACTICE AND PROCEDURE

Forms to Be Used for Assignment of Construction Permits and Licenses

Order. In the matter of: amendment of §§ 1.540(a), 1.572(b), 1.573(b), 1.578(b), and 1.580(g) of the rules pertaining to forms to be used for assignment of construction permits and licenses.

1. Licensees and permittees of translator stations who wish to assign the licenses or construction permits of such broadcast stations are now required to use FCC Form 314, a 33-page form requiring a great deal of information which is not relevant to translator stations. In an effort to relieve such licensees and permittees of this burden, a new form, designated FCC Form 345, has been designed which will elicit only basic information required to enable a determination to be made as to the legal, financial, and other qualifications of proposed assignees of translator stations. The form will consist of six pages. The new form is to be used where only translator stations and related auxiliary stations, such as translator microwave relay stations or UHF translator boosters, are to be assigned, but no other type of station is involved.[1] For example, if the licensee of a television station desires to assign the television station, translator stations, and auxiliaries, the Form 314 will be used as in the past, simply listing the translators and auxiliaries along with the primary station. If, however, a licensee desires to assign only translator stations or translators and associated translator microwave relay stations and/or UHF translator boosters, the new FCC Form 345 will be used. We are amending §§ 1.540(a), 1.572(b), 1.573(b), and 1.578(b), which are concerned with the use of FCC Form 314, to add to each such rule the use of the new form.[2]

2. In reviewing the various rules which are to be amended for this purpose, it was discovered that, through inadvertence, we failed to amend § 1.578(b) of the rules when, in June 1971, we amended other so-called "15-day" rules. "In the Matter of Amendment of §§ 1.571–1.574 of the Commission's rules pertaining to the processing of broadcast applications," 30 FCC 2d 581, 22 RR 2d 1722 (June 30, 1971). In that proceeding we amended several rules to provide that, within 15 days after acceptance of an application for filing, it can be declared to be a major change; before the amendments, the rules read "after tender for filing." We will take this occasion, therefore, to conform § 1.578(b) with the other rules containing 15-day major change provisos.

3. These amendments to the rules are adopted pursuant to the authority contained in sections 4 (i) and (j) and 303(r) of the Communications Act of 1934, as amended. Since the changes deal with practice or procedure, the notice and effective date provisions of section 553 of the Administrative Procedure Act do not apply (5 U.S.C. 553).

4. FCC Form 345 is approved by the Commission at this time, subject to review and approval by the Office of Management and Budget, and is expected to be available for use by applicants on or about October 2, 1972.

5. *Accordingly, it is ordered,* That, effective July 12, 1972, §§ 1.540(a), 1.572(b), 1.573(b), and 1.578(b) and 1.580(g) of the Commission's rules and regulations are amended as set forth below.

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

Adopted: June 28, 1972.

Released: July 3, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

Part 1 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. In § 1.540, paragraph (a) is amended to read as follows:

§ 1.540 Application for voluntary assignment or transfer of control.

(a) Application for consent to the assignment of construction permit or license, or for consent to the transfer of control of a corporation holding such a construction permit or license, shall be filed with the Commission on FCC Form 314 (Assignment of License), FCC Form 315 (Transfer of Control), FCC Form 316

[1] FCC Form 315 will be used for requesting consent to the transfer of control of the licensee of a translator station.

[2] We are also amending § 1.580(g) of the rules which, while not directly concerned with the use of the new form, is affected by the other rule changes being made.

[3] Commissioners Burch, Chairman; and Johnson absent.

(Short Form), or FCC Form 345 (Assignment of Translator Stations). Such application should be filed with the Commission at least 45 days prior to the contemplated effective date of assignment or transfer of control. FCC Form 345 is to be used only for the assignment of construction permits or licenses of translator stations and associated auxiliaries, such as translator microwave relay stations or UHF translator signal boosters, where no other type of broadcast station is involved. For transfer of control of the licensee of a translator station, FCC Form 315 will be used.

* * * * *

2. In § 1.572, paragraph (b) is amended to read as follows:

§ 1.572 Processing of television broadcast applications.

* * * * *

(b) If an application is amended so as to effect a major change, as defined in paragraph (a) (1) of this section, or so as to result in an assignment or transfer of control which, in the case of an authorized station, would require the filing of an application therefor on FCC Form 314, 315, or 345 (see § 1.540), § 1.580 will apply to such amended application.

* * * * *

3. In § 1.573, paragraph (b) is amended to read as follows:

§ 1.573 Processing of FM and noncommercial educational FM broadcast applications.

* * * * *

(b) If an application is amended so as to effect a major change as defined in paragraph (a) (1) of this section or so as to result in an assignment or transfer of control which, in the case of an authorized station, would require the filing of an application therefor on FCC Form 314, 315, or 345 (see § 1.540), § 1.580 will apply to such amended application.

* * * * *

4. In § 1.578, paragraph (b) is amended to read as follows:

§ 1.578 Amendments to applications for renewal, assignment and/or transfer of control.

* * * * *

(b) Any amendment to an application for assignment of construction permit or license, or consent to the transfer of control of a corporation holding such a construction permit or license, shall be considered to be a minor amendment, except that any amendment which seeks a change in the ownership interest of the proposed assignee or transferee which would result in a change in control, or any amendment which would require the filing of FCC Forms 314, 315, or 345 (see § 1.540) if the changes sought were made in an original application for assignment or transfer of control, shall be considered to be a major amendment: *Provided, however*, That the Commission may, within 15 days after the acceptance for filing of any other amendment, advise the applicant that the amendment is considered to be a major amendment and therefore is subject to the provisions of § 1.580.

5. In § 1.580, paragraph (g) is amended to read as follows:

§ 1.580 Local notice of the filing of broadcast applications, and timely filing of petitions to deny them.

* * * * *

(g) An applicant filing an application or an amendment thereto for a television broadcast translator station, an FM broadcast translator station, or an FM broadcast booster station which is subject to this section shall cause to be published a notice of such filing at least once during the 2-week period immediately following the tendering for filing of such application or major amendment, or, when an applicant is specifically advised by the Commission that public notice is required in a particular case pursuant to § 1.572, § 1.573, or § 1.578, such notice shall be published at least once during the 2-week period immediately following Commission notification, in a daily, weekly, or biweekly publication having general circulation in the community or area to be served: *Provided, however*, That, if there is no publication of general circulation in the community or area to be served, the applicant shall determine an appropriate means of providing the required notice to the general public, such as posting in the local post office or other public place. The notice shall state:

* * * * *

[FR Doc.72-10573 Filed 7-10-72;8:52 am]

[Docket No. 19316; FCC 72—575]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations in Certain Cities

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

1. The Commission has before it the proposed assignment of an additional FM channel for Jacksonville, Fla., and the possible redesignation of the Atlantic Beach, Fla., channel. In a first report and order adopted a short while ago, we disposed of a number of matters involved in this proceeding. The matters now being considered are the only ones remaining for disposition.

2. Originally, Mel-Lin, Inc., requested the assignment of Channel 292A to Jacksonville and we invited comments on this proposal. Then, in its comments, Mel-Lin advanced an alternative proposal that we instead should assign Channel 297 to Jacksonville. Oppositions have been filed against the Class A alternative (essentially on substantive grounds) and to the Class C alternative (primarily but not exclusively on procedural grounds). In addition, information submitted in this proceeding had indicated that the nature of the Jacksonville community had been altered so that the city and the old county boundaries had become essentially coterminous. As a result, we proposed that Channel 285A, now listed as an Atlantic Beach channel in the FM table, would be listed as a Jacksonville channel, since that community was understood to have become part of the "new" Jacksonville. The licensee of the affected Atlantic Beach station, WJNJ-FM, has disputed the premises on which our proposal was based and has urged us not to adopt it. Finally, in opposing the assignment of a Class C channel to Jacksonville, the objecting parties insist that this cannot be accomplished without our issuing a further notice in this proceeding. Thus, the following are the basic questions that need to be resolved: Is action redesignating the Atlantic Beach channel warranted? Should Channel 292A be assigned to Jacksonville, however its boundaries are defined for the purposes of our rules? Can and/or should we assign Channel 297 to Jacksonville without issuing another invitation to file comments? These and a series of subsidiary questions will be addressed in the discussion that follows.

3. Mel-Lin originally sought the assignment of Channel 292A in Jacksonville and we expressed a willingness to consider this proposal if a showing could be made that a Class A station would be able to provide a city grade signal to most of the urban areas of Jacksonville. We recognized that with the redefining of Jacksonville's boundaries, a matter brought to our attention in this proceeding [1], it would be impossible for a Class A operation to serve the entire community. Nevertheless, the apparent absence of an available Class C channel led us to consider the original proposal as being worth exploring. Mel-Lin's proposal emphasized the need for additional nighttime service to the black community in Jacksonville and pointed to the Commission's recognition of the importance of this matter, even though Mel-Lin's proposal for nighttime operation of its AM station to serve the black community was denied on technical grounds. Before proceeding to consider the other reasons advanced by Mel-Lin, we must note that this rationale, however important, is not relevant to rulemaking decisions in the way it is to decisions involving applications. This distinction is an unavoidable consequence of the fact that the assignment of a channel is based on the need for additional service, and the fact that action taken in this regard is not and

---

[1] Apparently Jacksonville and surrounding Duval County have merged into a new, consolidated Jacksonville. Except for an area known as "The Beaches," it is clear that Jacksonville now includes the entire area inside the old county boundaries.

cannot be determinative in the process of selecting from the applicants which ultimately seek authority for operation on the channel. If, as is the case, we cannot prejudge who is to succeed in a comparative hearing, then we cannot base an allocations decision on an assumption that a particular applicant proposing a certain approach to programing will succeed. Thus, in connection with allocations decisionmaking, we examine the need for additional service, not the particular form that service will take. Although a given format may better lend itself to reaching a particular segment of a community, the fact remains that all stations are under an obligation to respond to community needs. Thus, we have had occasion to note elsewhere, that where inauguration of a new nighttime service was not possible, the responsibility for meeting unmet needs during the evening falls on the existing licensees in the community which are authorized to operate during nighttime hours. Nevertheless, for the other reasons indicated below, we agree that the Jacksonville community does warrant additional service and will act to make its inauguration possible.

4. Jacksonville currently has 12 AM stations (seven of which are full time) and five FM stations (not including the Atlantic Beach operation). Jacksonville's population, using its original boundaries, is 201,030 and, based on its new boundaries, is 513,439. From the information before us it appears that the only valid description of Jacksonville is in accordance with its new postconsolidation boundaries. According to the assignment criteria which we have employed, Jacksonville would warrant six to 10 FM assignments. Thus, absent countervailing considerations, we would be disposed toward assigning it an additional channel. Jacksonville Broadcasting Corp., licensee of Stations WIVY(AM) and WIVY-FM, and Rowland Broadcasting Co., Inc., licensee of Stations WQIK (AM) and WQIK-FM, have objected to the requested Class A assignment, but in doing so they did not dispute Jacksonville's need for an additional FM service. Rather, they disputed the ability of a Class A operation to provide such service and contended that on balance the advantages of such an inadequate operation clearly would be insufficient to overcome the concern about the preclusionary effect this assignment would have.

5. Whatever view we might take of a Class A assignment if there were no possibility of assigning a Class C channel to Jacksonville, the fact is, one can be assigned. Even if the old Jacksonville boundaries were used and on that basis it could be said that a Class A operation could meet the coverage requirements, we still would be troubled about intermixing classes of stations. In fact, of course, the old boundaries no longer depict Jacksonville accurately. As a result, a Class A operation would fall far short of providing adequate city coverage. This is a quite different situation from those in which we found that the need for an additional assignment overcame our concern about intermixture. Not only is a Class C channel available, but in view of the consolidation of Jacksonville and its environs, it becomes even more important to insure areawide coverage. A Class A station would not even cover 30 percent of the area of consolidated Jacksonville (although the population percentage would be higher). This, to us, would be a substandard assignment, one that would not be appropriate to make in any event. Although these considerations are sufficient to indicate why the proposal must be denied, the preclusionary impact it would have further testified to the lack of utility in making such an assignment. There are a number of other places where Channel 292A could be used instead, and Fernandina Beach, for example, has a population of 6,955 and no local nighttime service. In sum, the proposal lacks merit and will be denied.

6. Before considering Mel-Lin's alternative proposal, we will consider the effect of the consolidation on the current Atlantic Beach assignment. When we proposed changing this assignment to specify Jacksonville, it was on the assumption that Atlantic Beach had been included in the consolidation. While the exact legal position of Atlantic Beach is not clear, it is clear that its residents preferred not to join in the consolidation if its effect were to end the community's separate existence. The Atlantic Beach residents still consider Atlantic Beach to be their community, and their apparent noninclusion in the consolidation confirms this. The Atlantic Beach city attorney also has asserted that it retains its status as a separate municipality. The Atlantic Beach licensee urges us to leave matters alone so it can still respond to that community's needs rather than be forced to concentrate on the needs of Jacksonville (as a Jacksonville licensee would be obliged to do) to Atlantic Beach's detriment. In addition, the Class A operation, located in Atlantic Beach could never cover all of Jacksonville and as matters now stand, very little of its coverage extends to even the original area of Jacksonville. We see no more justification for moving this Class A channel to Jacksonville than we did in the proposal to assign a new Class A channel. Accordingly, we will not pursue the matter further and will let the current assignment stand.

7. The final question before us is the disposition to be given Mel-Lin's alternative proposal to assign a Class C channel to Jacksonville. We turn first to the procedural considerations which are involved and to the procedural objections which have been lodged. Mel-Lin first advanced its alternative proposal in comments to the notice. Jacksonville Broadcasting Corp. responded with a petition for notice of further rule making[3] in which it urged that such an approach was necessary in order to permit comments by interested parties on what to them was a substantially altered proposal. It also expressed dissatisfaction with Mel-Lin's earlier representation that it did not appear possible to find a Class C channel that could be utilized without a wholesale juggling of the FM table, but it did not question Mel-Lin's candor, only the impact of its incorrect assertion on interested parties wishing to comment. Jacksonville Broadcasting appears to be arguing that only it and Rowland Broadcasting Co. were allowed to respond to the new proposal since they were the only parties to file timely comments.

8. Mel-Lin opposed Jacksonville Broadcasting's petition for further notice and insisted that its actions were consistent with the procedures provided for by the Commission. It quoted the Commission in "Carrollton, Kentucky et al.", 4 FCC 2d 8, 8 RR 2d 1504 (1966), as rejecting the notion that a further notice is necessary so long as the counterproposal is advanced in original comments, as they insist was the case here. Delay, they see as the only and unacceptable result of issuing a further notice and find in this method no public interest advantage. Accordingly, they ask the Commission to reject Jacksonville Broadcasting's arguments, which they view as being motivated only by competitive considerations, and they urge us to move expeditiously to act on the counterproposal so that an additional needed service could be provided.

9. Jacksonville Broadcasting responded that Mel-Lin missed the thrust of its argument in citing other allegedly similar cases. According to Jacksonville Broadcasting, the Commission merely rejected the objection of a participating party that said that it did not have due notice of the counterproposal. In this situation, without further public notice being given, only the already participating parties are said to be on adequate notice, and it is these parties about which Jacksonville Broadcasting professes concern.

10. This case is unusual in that the counterproposal came from the original petitioner, but there has been no allegation of bad faith in this regard, and we find none. In terms of the cutoff procedure outlined in the notice in this proceeding, Mel-Lin's actions are in complete compliance. This is not the first and no doubt will not be the last occasion on which we will have to consider a counterproposal advanced in comments in a rule making proceeding. By use of the cutoff procedure to govern the consideration of counterproposals we have two purposes in mind. First, the standards to govern such filings are enunciated, but equally importantly, we have put interested parties on notice that counterproposals may well be advanced and that they ignore this possibility at their peril. In point of fact, the same argument about lack of notice can be made in any case where a counterproposal was filed while it is true that in past cases we were considering objections by a party already participating, the same

[3] Although the filing of this pleading is not authorized by our rules and the same holds true for the responsive pleadings, we believe it appropriate to rule on the merits of the position advanced in the petition.

problem of allegedly inadequate notice to others existed in those cases. It makes no difference to them who filed the counterproposal or whether someone already a party to the proceeding objected. In our view the notice was adequate to advise those interested that attention should be paid to more than just the original filing. Anyone, regardless of their failure to file original comments, was able to come forward with reply comments, but no new parties have done so. Were we to accede to the objection here, fairness would compel us to abandon our cutoff procedure and to require further notice in all cases. Otherwise, we would have the case turn, not on fairness or the adequacy of the notice, but on who made objection. If the procedure is vulnerable to attack here, so it is in all cases. However, we disagree with this attack on our consistent, and we think, sensible and expeditious approach toward resolving these proceedings. Therefore, the petition for further notice will be denied.

11. The remaining question to be resolved is whether Channel 297 should be assigned to Jacksonville. Mel-Lin insists it should be to provide service to a community that now has about 500,000 residents.[3] In its view, a Class C operation is the appropriate means to reach the entire population of consolidated Jacksonville, a population it says lacks its fair share of FM services. Mel-Lin states that only one change in an existing assignment would be required to accommodate the requested assignment. This assignment, Channel 296A at Starke, Fla., is not occupied or applied for, and it asserts that Starke's needs would be served equally well by the substitution of Channel 292A there. According to its comments, its own AM site could be utilized consistent with the mileage separation requirements and be able to provide service from this location. In terms of the preclusionary effect the assignment would have, it asserts Channel 292A could be assigned to any one of the areas where Channel 296A could have been used and in fact that two assignments, one in Florida and one in Georgia could be made in the precluded area. The same possibility for use of Channel 292A is said to hold for St. Marys, Ga., the only affected community on Channel 300, and the community affected on Channel 299, Brunswick, Ga., is said to also be part of the area precluded on Channel 296A. In sum, it considers the plan to be more efficient than are the current assignments.

12. Jacksonville Broadcasting and Rowland Broadcasting filed reply comments opposing the Channel 297 assignment. They question whether Mel-Lin's AM site could be used to provide adequate coverage (or even necessarily meet the spacing requirements) and point out that mileage limitations place a significant restriction on the choice of possible sites. They also argue that the information on file is not sufficient to resolve the matter and are of the view that it is necessary to know about the possible lack of service in the precluded areas and about the possibly more pressing needs of communities surrounding the Jacksonville area. Absent this data, they urge us not to proceed.

13. Our analysis of the filings, as well as study of the allocations pattern in the area leads us to agree that the preclusionary impact would be slight and that it does not provide a basis for refusing to adopt the proposal. Part of the area is already precluded by the current Starke assignment and substitute channels appear to be available where future need is likely to exist. Jacksonville's need is present and real, and an additional assignment capable of fulfilling that need is clearly warranted. The assignment can be made consistent with all applicable criteria of mileage separation and the number of channels for a community of this size. The channel to be substituted in Starke likewise meets these criteria. As to the matter of coverage, it is not indispensable that Mel-Lin's present AM site be used. If it can be and would provide the requisite coverage while complying with the spacing requirements, Mel-Lin is at liberty to propose this site. If not, another site would have to be utilized, but there is no basis for believing that a suitable one could not be found. While spacing restrictions may limit the area of choice, there is no information to suggest that the quest for a site would not succeed. Since the area in which a site could be located is relatively large, there is no reason to refuse to make the assignment because of a concern on this score. We find that adequate justification has been provided for adopting Mel-Lin's counterproposal and we will so order.

14. In view of the foregoing: *It is ordered*, That, pursuant to sections 4(i), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, effective August 14, 1972, § 73.202(b) of the Commission's rules and regulations, the FM Table of Assignments, is amended as concerns the following communities:

City	*Channel No.*
Jacksonville, Fla.	236, 241, 245, 256, 275, 297
Starke, Fla.	292A

15. *It is further ordered*, That, the proposal to reassign Channel 285A, presently assigned to Atlantic Beach, Fla., is withdrawn and the proposal to assign Channel 292A to Jacksonville, Fla., is denied.

16. *It is further ordered*, That, the petition for notice of further rule making, filed by Jacksonville Broadcasting Co., is denied.

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

Adopted: June 28, 1972.

Released: July 3, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[4]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-10574 Filed 7-10-72;8:52 am]

[Docket No. 19487; FCC 72-576]

PART 73—RADIO BROADCAST SERVICES

Television Broadcast Stations in Melbourne, Fla.

Report and order. In the matter of amendment of § 73.606(b), *Table of Assignments*, Television Broadcast Stations (Melbourne, Fla.), Docket No. 19487, RM-1909.

1. We here consider the notice of proposed rule making, adopted April 5, 1972 (FCC 72-328; 37 F.R. 7532), proposing amendment of the Television Table of Assignments (§ 73.606(b) of the Commission's rules) to substitute Channel 56 for Channel 31 at Melbourne, Fla.

2. As indicated in our notice, Florida Central East Coast Educational Television, Inc. (Florida Central), licensee of Station WMFE-TV, Channel 24, Orlando, Fla., had proposed the change of assignment at Melbourne so that the transmitter site proposed in its pending application for modification of license (BPET-421) would not be short-spaced to the presently unused Channel 31 assignment at Melbourne. Station WMFE-TV, which operates at a site approximately 13 miles west of Orlando near Winter Garden, applied for modification in order to operate from the Orlando "antenna farm" with facilities providing better coverage than its licensed site. The proposed site relocation would be approximately 46 miles from the Melbourne reference point, while the Commission's rules require at least 60 miles for the oscillator radiation "taboo" between Channels 24 and 31, and a waiver was deemed inadequate because site selection for use of Channel 31 at Melbourne would be difficult. Since several channels are available for assignment to Melbourne including Channel 56, our Notice stated that the request had merit and warranted the institution of rule making.

3. The only party filing comments was the petitioner Florida Central incorporating by reference the information set forth in the petition and repeated in the notice. The latter indicated that the proposal had merit. We now find that the public interest, convenience, and necessity would be served by the proposed change.

---

[3] It is not clear whether the inclusion or noninclusion of "The Beaches" affects the total, hence the use of the above approximation.

[4] Commissioners Burch, Chairman; and Johnson absent.

4. *Accordingly, it is ordered*, That effective August 14, 1972, the Television Table of Assignments (§ 73.606(b) of the Commission's rules and regulations), insofar as the community listed below, is amend to read as follows:

City	*Channel No.*
Melbourne, Fla	43, 56

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

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

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

Adopted: June 28, 1972.

Released: July 3, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-10575 Filed 7-10-72;8:52 am]

[1] Commissioners Burch, Chairman; and Johnson absent.

[Docket No. 19360; FCC 72-557]

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

Listening Watches; Assignment of More than One Frequency

Report and order. In the matter of amendment of Part 81 of the rules concerning the duplication on service by public coast stations; to require justification for assignment of more than one working frequency to public and limited coast stations; and to require listening watches by limited coast stations on working frequencies (Docket No. 19360; FCC 72-557).

1. On December 10, 1971, we released a notice of proposed rule making in this docket. The notice was published in the FEDERAL REGISTER on December 16, 1971 (36 F.R. 23933). The notice provided for the filing of comments and reply comments by specified times which have now passed.

2. For reasons described in detail in the notice we proposed to amend Part 81 of our rules, essentially and briefly as follows.

a. To include in the rules criteria we have used to grant exemptions from watch requirements for the 156.8 MHz distress frequency.

b. To require listening watches on the working frequencies assigned to limited coast stations, but to allow these watches to be maintained with the use of sequential frequency scanning devices when more than one working frequency is assigned.

c. To set forth in greater detail the circumstances generally under which we will permit duplication of service by public coast stations, to wit: (1) No duplication of service areas would be permitted by stations operating on the same working frequency; (2) no duplication of service area in excess of 20 percent would be permitted for stations operating on different working frequencies unless the stations were 25 or more miles apart and serving different boating localities; but (3) duplication of service in excess of 20 percent could be allowed if a new station applicant could show that the working frequency (or frequencies) of an existing station were in use at least 50 percent of the time during certain specified periods.

d. To provide for assignment of additional frequencies to existing public coast stations only upon a basis of need with a showing that the assigned frequency, is in use at least 40 percent of the time during the same period specified for establishing the need for new stations.

e. To permit limited coast stations operated by marine radio electronic service firms to use any limited coast station working frequency for test purposes under specified conditions.

f. To specify the circumstances under which we will assign more than one working frequency to a limited coast station; including a requirement to show that the assigned frequency, or frequencies, is in average daily use at least 25 percent of the time during specified hours of peak activity over a 6-month period.

3. Comments were filed by the following parties:

C. E. Winters, Washington, D.C.;
Great Eastern Communications Co., Alexandria, Va. (Great Eastern);
Great Lakes Towing Co., Cleveland, Ohio, operator of limited coast stations on the Great Lakes (Great Lakes);
Lorain Electronics Corp., Lorain, Ohio, licensee of public coast stations on the Great Lakes (Lorain);
American Telephone & Telegraph Co., (A.T. & T.);
GTE Service Corp. on behalf of General Telephone operating companies (GTE);
Northern Pacific Marine Radio Council, Inc., a nonprofit corporation of 76 members (NPMRC);
Arthur W. Brothers, licensee of a public coast station (Brothers);
Niagara Communications, Inc. (Niagara);
Daryal S. Myse, registered professional engineer, Washington, D.C. (Myse);
Maryland Port Administration, Baltimore, Md. (MPA); and
Central Committee on Communication Facilities of the American Petroleum Institute (Central Committee).

Reply comments were filed by the National Marine Electronics Association (NMEA) and Tug Communications, Inc. (TUGCOM). Following is a summary of the comments and reply comments.

a. Generally, most commentors are sympathetic to the Commission's objectives in proposing the rule changes and with some qualifications set forth below support the changes. Brothers assert that the changes are not needed and are not desirable, and NMEA and TUGCOM assert the limited coast station frequency assignment proposals aré premature, unwise and inadequate. TUGCOM believes generally, the entire docket should be "shelved."

b. No objections were filed to our proposal to include in the rules the criteria used to grant exceptions from the 156.8 MHz watch requirements for limited coast stations. Four parties directed their comments to the proposal to require listening watches on limited coast station frequencies and to allow the watch to be maintained with a scanning device and all four parties object to the proposal. Great Lakes states the watch on working frequencies is not needed in the Great Lakes area to avoid the excessive use of 156.8 MHz for calling since the frequency is not used heavily on the lakes. The company further states that the use of scanning devices would cause noise, confusion, and hardship in control centers and it suggests the watch be required only in specified geographical areas where the distress, safety and calling frequency is known to be overworked. Lorain asserts the scanning devices would create congestion and cause serious technical problems for systems remotely controlled over land lines, and suggests a provision be included that would provide for waiving the watch requirement upon a showing of need for waiver. Lorain also recommends that in compiling data on channel loads on a working frequency that the inclusion of data for nearby Canadian stations operating on the same frequency be permitted. MPA and TUGCOM assert the scanning device would cause problems in station operations and is not feasible. Baltimore Port agrees that calling, to the maximum extent possible, should be conducted on working frequencies.

c. With respect to the proposed circumstances under which we would grant requests for additional public coast station facilities; i.e. new stations or additional frequencies for existing stations, eight parties commented. Great Eastern, and A.T. & T. concur with, and no commentor objects to, a prohibition against any duplication of service areas by stations operating on the same working frequency. Most commentors agree with the concept that excessive overlap of coverage areas of stations operating on different working frequencies should not be allowed, although Great Eastern contends that the limitation of 20 percent coverage area overlap provides too much protection for an existing station, and the provision should be eliminated. Brothers and GTE assert that an exception should be made, and unlimited duplication permitted, when a new type of service is proposed. NPMRC recommends that provision be made for computing coverage areas by actual observations in addition to the engineering criteria contained in the rules and that 30 percent overlap of coverage areas be permitted when computed by observations. Several commentors take issue with the proposal to permit applications to be filed for new stations to serve a different boating locality at least 25 miles from an existing station. Niagara asserts the distance should be 75 miles and that 25 miles does not provide enough protection to existing licensees. Great Eastern asserts that new stations every 25 miles would destroy the economic viability of an existing station and Myse states the rule would not allow enough protection for an

existing station. NPMRC and A.T. & T. state it will result in wasteful and unnecessary duplication of facilities. Myse and Great Eastern assert the term "locality" or "boating locality" is too vague and ambiguous or that VHF stations don't serve localities. A.T. & T., Great Eastern, GTE, Brothers, and NPMRC propose different methods of computing the specified channel occupancy periods of an existing station before additional facilities will be authorized. These parties object to computing the busy hours over periods of 30 consecutive days. They state, generally, that compiling the necessary channel use information over such a long period would be expensive and unreasonably burdensome, and suggest several shorter periods of from 4 to 7 consecutive days. They argue that the shorter periods will be less inconvenient and will allow for weather or other environmental conditions that could result in greatly reduced navigation and little or no use of a public coast station at times during a particular 30-day period that an applicant may select to justify a request for an additional station, or for an additional frequency for an existing station. Niagara and Great Eastern state the proposed rules would result in greatly increased hearings and Lorain states that criteria other than 40 percent frequency use should be used for assigning additional frequencies to its stations because the working frequency at some locations is shared with Canadian stations and, therefore, not available for its exclusive use. Finally, Brothers asserts that if a channel occupancy basis is to be used for assigning additional working frequencies to public coast stations, it should be modeled after the criteria of 10 percent trunkline load used for telephone service by the Rural Electrification Administration, in its Telephone Engineering and Construction Manual, a copy of which was furnished with Brother's comment.

d. With respect to our proposed rule to permit electronic service firms operating limited coast stations to use, for test purposes under specified conditions, all assignable working frequencies in addition to any frequency specifically assigned to the station, no comments in opposition were received. The Central Committee, and TUGCOM assert that some limited coast station licensees, maintain and service radio equipment on board their ships and that for those persons there is a need to include them in the category of limited coast station licensee who would be authorized to conduct tests on working frequencies other than the assigned working frequency.

e. Two comments were received concerning our proposed criteria for assigning more than one working frequency to a limited coast station. NMEA asserts the proposal is premature, unwise, and inadequate because there is no plan in the rules specifying the order or sequence in which the available channels will be assigned comparable to that included in Appendix 18 of the International Radio Regulations. NPMRC did not oppose the proposed rules in general but objected to the length of time proposed for computing channel use and recommended a much shorter period. That commentor also recommended that when assigning additional frequencies to limited coast stations on the basis of channel load that the Commission consider that "nearby stations" operating on the same working frequency include Canadian as well as American stations. TUGCOM and the Central Committee want "grandfather rights" for stations already assigned more than one working frequency so they may continue to be assigned without any additional showing of need.

f. Winters referred to that part of our notice of proposed rule making that contain the statement that it is primarily the responsibility of a ship station licensee to equip the station with the frequencies of the coast stations with whom communications are exchanged. Winters objected to this concept on the basis that it would require a ship operator desiring to communicate with public coast station to equip his station with all nine public correspondence frequencies. Additionally, Winters recomended that one "common" frequency be assigned to all public coast stations as a secondary working frequency so that a ship station equipped with that frequency could be used for communicating with any public coast station no matter where the ship may be located.

g. Myse argues against the proposal to compute coverage areas as proposed in Docket No. 18944.

4. We will discuss the comments received in the approximate order in which they are described above. With respect to the proposal concerning mandatory listening watches on working frequencies of limited coast stations, we have reviewed the comments which oppose such a watch. However, for the reasons furnished in paragraph 6 of our NPRM, we find that such a watch is in the interests of safety and efficient spectrum utilization; therefore, we will adopt this rule as proposed. If, in some cases, the maintenance of a listening watch by means of a frequency scanning device is made difficult because of the lack, at this time, of highly efficient equipment or because of resultant confusion in transmitter control centers then it may be that the applicant may wish to reconsider a decision to apply for additional working frequencies until such time as these problems in his case can be resolved. It is our policy, absent extraordinary circumstances, as has been set forth in the rules, and as continued in the amended rules, to grant only one working frequency to a limited coast station in the interest of frequency conservation and for orderly frequency management purposes. The new rule adopted will continue this policy while, as before, allowing some relief in exceptional cases for assignment of an additional frequency but now subject to the clarified conditions specified which we believe are reasonable and necessary. Whether a licensee wishes to apply for an additional working frequency under the specified conditions, which includes the maintenance of a listening watch, is a matter of business or operational judgment for his determination. In regards to the comment by Great Lakes that listening watches on working frequencies should not be required because the calling frequency 156.8 MHz has not been heavily used on the Great Lakes, we believe this condition in that area will not continue when the Commission's VHF program is fully implemented. In any event, a source of relief through rule waiver is already provided in § 81.27(b) of the rules for a limited coast station licensee who feels that his circumstances are unusual or exceptional as compared to those of other limited coast station licensees.

5. We will not adopt the NPMRC recommendation that provision be made for computing coverage areas based on actual observations. While recognizing that this proposal could be more accurate in some situations, we think its disadvantages in complicating and prolonging application processing, which we are endeavoring to streamline and simplify, will substantially outweigh any advantages realized.

6. With respect to the requirements contained in §§ 81.303(b)(2) and 81.304 (f) of the rules under which we will grant additional public coast station facilities based on channel use, we agree that average daily use during a period of days less than 30 consecutive days would be more suitable as a basis for computing the extent of channel occupancy. We are, therefore, incorporating this modification in our rules as set forth in the attached appendix. The new criteria adopted represents an effort to strike a balance among the varied recommenations received. We are making similar modifications of our changes in § 81.358(c) of the rules pertaining to limited coast stations since we conclude the same channel occupancy criteria should apply to that class of station. We have also included a provision in the public coast station rule that no less than half of the channel use time compiled to justify the authorization of an additional working channel must consist of completed calls. We think this will encourage a licensee to minimize the setup and waiting times in arranging calls and thus contribute substantially to greater efficiency in the use of frequencies. Regarding the comment by Lorain that public coast stations operating on the Great Lakes on a working frequency used also by a nearby Canadian station should be entitled to an additional working frequency without a showing of need based on volume of traffic, we agree under these circumstances and are modifying our rules to so provide. This will not provide any relief for any existing station on the Great Lakes, however, at the present time. Under United States-Canadian agreement there are only three working frequencies available for assignment to U.S. stations in the area of the Great Lakes where Lorain operates stations. Until additional frequencies are made available, there will be none for assignment as proposed by Lorain. Concerning the NPMRC comment that Canadain stations, as well as American stations,

should be included in the wording "other nearby stations" in the last sentence of the new paragraph (c) in § 81.358, it is our intention that Canadian stations are so included. We do not agree with Brothers that a channel load factor patterned after that used in the Rural Electrification Administration should be used in assigning additional working frequencies in the maritime services. We believe the circumstances surrounding the operation of the two communication services are too dissimilar to use the same criteria for determining the need for new facilities. In landline telephone service there is no limit on the number of trunklines, that could be assigned from the standpoint of availability, whereas in the maritime services there are only nine working frequencies available for assignment to VHF public coast stations. In this radio service there are only nine frequencies available for assignment for public correspondence use. A load factor of 10 percent would quickly exhaust all available frequencies.

7. We agree with the commentors who assert that the term "locality" or "boating locality" when applied to the primary service area of a Class III public coast station, is too vague and we are defining this more precisely in our rules. We also agree, in part, with the commentors who believe a new station to serve a different locality 25 or more miles from an existing station may constitute some wasteful or unnecessary duplication of service and we are increasing the distance to 30 miles in the rules herein adopted. We are retaining the basic concept, however, of a local public coast station every 30 miles in different localities in the interests of providing maximum VHF public correspondence facilities to the public. We believe, however, from the comments furnished in this proceeding that some misunderstanding may exist concerning the type of service that we intend for this class of station to provide primarily. The Class III (VHF) coast station is defined in section 81.3(j) of our rules as a station licensed "to provide a maritime mobile service, primarily of a local character * * *". We recognize that a Class III station, because of an exceptionally high antenna located on a tall tower or building, or on a mountain, may have a greatly extended coverage area and operate over distances approaching "regional" in range and thereby provide, on a secondary basis, services that are not strictly "local" in the sense that we use the word in our rules. Such operation of a local station over an extended coverage area could be advantageous to the public in numerous ways. It does not, however, alter the basic character of the station of providing local service, primarily, when compared to the Class I and II stations, to a relatively small geographic area. Additionally, it should be remembered that the service provided by these radio stations are of a "two-way" nature in that calls can originate on board vessels or from points on shore to vessels. Thus, in determining the local area to be primarily served by a Class III station, consideration must be given not only to the radio signal propagation range of the station in relation to the vessel with which the station is communicating, but also the location of the persons on shore with whom ship communications are being exchanged and the extent to which these persons are within, or near, the local exchange area of the interconnected telephone company. In either case, we believe the cost should be minimized and not include any unnecessary telephone landline charges. If, a call to or from a vessel must be routed through a coast station located in a locality other than the one in which the person on shore is located, and possibly at a greater distance from the vessel, then a telephone landline toll charge must ordinarily be added to the radio link of the communication, as an additional expense. This results in an increase in cost to the public using this service and communication with vessels near the fringe of the signal propagation area could cause a decrease in the quality of the radio link of the communication. We believe the public interest requires that these consequences be avoided wherever possible by allowing for the establishment of adequate coast station facilities in as many localities as possible without wasteful duplication provided the localities have sufficient maritime activities to reasonably insure the economic viability and survival of the stations and provided the establishment of additional stations do not have an unreasonable adverse economic impact on existing stations.

8. In response to those commentors who assert the subject rule changes will result in more administrative hearings on public coast station license applications, or will not provide sufficient protection for existing licensees, we do not agree. We believe there may be a misunderstanding of the new rules, or of the Commission's application processing and hearing procedures. Essentially, the new rules will, except in some unusual situations, provide protection for an existing station for 30 miles or for 80 percent of its coverage area. Until the rule changes included in this docket, an existing station was not provided protection in the rules to this extent. The only protection afforded the rules has been contained in § 81.303 with the provision that no station ordinarily would be authorized to provide service "* * * solely to any geographic area in which service is already provided * * *." Even in that situation, however, a new station could be authorized if a satisfactory showing of need for new service were made. The practical effects of this rule for the licensee of an existing station is that unless the location of a proposed new facility is almost colocated with an existing station, the existing station licensee must, if he wishes to oppose the new application, file a petition to deny and, probably become involved in a burdensome formal hearing proceeding. Under the new rules the existing station licensee can assume that routine applications for new VHF public coast facilities within 30 miles of an existing station, or with more than a 20 percent overlap in coverage areas will be defective unless accompanied by a waiver request and will not be granted by the staff under delegated authority. Furthermore, the fact that there may be less than 20 percent overlap of coverage areas, or that the proposed station is to be located more than 30 miles from an existing station, does not necessarily mean that the application would be entitled to a grant. Nothing in the new rules would operate to bar the existing station licensee from opposing even that application with a petition to deny, which could result in an evidentiary hearing on the application, depending in part upon the information contained in the petition to deny. We believe, however, with these new provisions in our rules that the licensees of existing stations and the applicants for new facilities will have a better understanding of the circumstances under which they can ordinarily expect to prevail with their respective petitions to deny or applications.

9. We do not agree with the commentators who assert that provision should be made in the rules for establishing new public coast stations to duplicate service areas of existing stations when a new type of service is proposed. We have authorized more new VHF public coast stations in the past 3 years than in all our prior regulatory history and in the interest of maritime safety and public service we believe these new stations should be given a reasonable opportunity to commence and continue operations and, along with earlier stations, become economically viable. As our VHF program develops and the nature and extent of the need for additional types of service becomes more clear we can reconsider the matter. In the meantime, we believe any needs of this nature can be filled within the framework of our existing rules, as herein amended, or by applications accompanied by properly documented and supported requests for rule waivers when operations are proposed that are inconsistent with our rule provisions.

10. The comment of the Central Committee that any limited coast station licensee that services and maintains ship radio station equipment should be allowed to conduct radio tests on other than the assigned working frequency has been considered and we are persuaded the suggestion is meritorious and should be adopted. We recognize, that many limited coast station licensees, other than electronic servicing firms, may have their own radio service and maintenance staffs and thus have as much need as a servicing firm for conducting radio tests. We will, therefore, modify § 81.355(d) as set forth below, to permit radio tests on frequencies other than the assigned working frequency, by any limited coast station licensee that services ship radio equipment but under the same controlled conditions as specified for servicing firms in our notice of proposed rule making.

11. We have considered the comment by NMEA that the proposed rules concerning assignment of working frequencies to limited coast stations should not be adopted because there is no plan in

the rules specifying the order of sequence in which the channels will be assigned. We do not believe the question is sufficiently germane to this proceeding to warrant its consideration here. We did not propose this in our notice of proposed rule making and we have no information that such a plan is needed, nor has any express or specific request been received by us to so amend the rules. If a petition for rule making is received, it can be considered on its merits. We will not, therefore, adopt in this proceeding the suggestion of NMEA to include in the rules a sequential plan for assigning working frequencies to limited coast stations. With respect to the comments that "grandfather" use provisions should be made so that stations now authorized to operate on more than one working frequency may continue to so operate without the showing of need specified herein, it is our intention that such station operation be continued until the expiration of current station authorizations. This will partially provide the relief recommended by TUGCOM and the Central Committee. We do not believe that the indefinite extension of authority for such stations to operate on all frequencies assigned without a showing of need is advisable. It would largely undercut the purposes of this rule change and could be unfair to other members of the maritime community who may have a need for the frequencies in question. Under the circumstances described by these commentors, i.e., limited coast stations communicating with tugs from varying home ports, adequate and simplified provision is made for assignment of additional working frequencies in the new § 81.358(b) of the rules based not on volume of frequency traffic, but on service to vessels that are not equipped with the assigned working frequency of the coast station in question.

12. We believe the Winters' comments may be the result of a misunderstanding of our notice of proposed rule making or our frequency assignment policies. In stating that a basic concept in our coast station frequency assignment policy is that it is the responsibility of a ship station licensee to equip his station with the frequency, or frequencies, necessary for communicating with a particular limited coast station we simply mean that, normally, we will not assign to a limited coast station all the available frequencies, as has been requested by some applicants, so that the coast station is able to communicate with any vessel, no matter on which of the eight commercial or five noncommercial limited coast station frequencies the ship station operates. The ship station licensee is not required by our rules to equip his station with any frequency for ship-to-shore communications. If the licensee, optionally, desires to communicate with a public or limited coast station, however, he must ascertain the frequency designated for transmission to the coast station and equip the ship station for transmission on that frequency. Ordinarily, for recreational craft engaged in local navigation, no more than one frequency for communicating with a limited coast station (usually licensed to a marina operator) or one frequency for communicating with the local VHF Class III public coast station is necessary to fulfill the vessel operator's ship to shore communications needs.

13. With respect to Winters' recommendation that one "common" frequency be assigned to all public coast stations, we do not conclude that this is feasible or desirable. Our objective, in assigning working frequencies to VHF public coast stations, as reflected and reaffirmed in this proceeding, is to avoid to the maximum extent possible, destructive electrical interference caused through simultaneous cochannel operation by stations. To achieve this, we assign a particular working frequency to two stations only when they are sufficiently separated geographically to insure that there is no overlapping of effective signal propagation coverage areas. If all public coast stations were equipped with a single "common" secondary or tertiary working frequency, the tendency of ship station operators would be to equip the ship station with that frequency and, if the ship transmitter were an inexpensive model with a limited number of channels, probably only that "common" channel. In those circumstances, a situation would rapidly develop where, generally, all ship stations, and, consequently, all coast stations would be operating on the same channel. The result would be widespread electrical interference and chaotic degradation of the efficiency of public correspondence communication services to the general detriment of the maritime community. For these reasons, we will not adopt Winters' recommendation for a "common" public correspondence frequency. To some extent Winters' recommendation for a "common" frequency is fulfilled by the present order of priority for the public correspondence frequencies contained in § 81.304(b)(22). Continued adherence to the priority system should result in a ship station obtaining service on either channel 26 or 28 whenever the ship is within range of a public coast station.

14. In view of the foregoing: *It is ordered*, That, pursuant to the authority contained in sections 4(i) and 303 (b), (f), and (r) of the Communications Act of 1934, as amended, Part 81 of the Commission's rules are amended, effective August 14, 1972, as set forth below.

15. *It is further ordered*, That the proceeding in Docket 19360 is terminated.

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

Adopted June 28, 1972.

Released July 5, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[1]

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

[1] Commissioners Burch, Chairman; and Johnson absent.

Part 81 of the rules is amended as indicated below.

1. Section 81.191(d) is amended to read as follows:

§ 81.191 Radiotelephone watch by coast stations.

* * * * *

(d)(1) Each limited coast station, other than marine utility stations operating as limited coast stations, licensed to transmit by telephony in the band 156–162 MHz, shall during its hours of service, maintain an efficient watch for reception of F3 emission on 156.800 MHz, whenever such station is not being used for transmission.

(2) The Commission may exempt any limited coast station from compliance with subparagraph (1) of this paragraph when it has been demonstrated that the watch on 156.800 MHz is complete over the service area of the coast station by public coast stations or U.S. Government stations having continuous hours of service. An application for exemption must include a chart showing the receiving service area of the limited coast station by the method specified in Subpart R of this part of the rules. The applicant shall indicate on the same chart the location by coordinates, to the nearest minute, and the receiving service area of the public coast station or government station maintaining the continuous watch on 156.800 MHz. The receiving service area of these stations shall be calculated using the criteria specified in Subpart R of this part of the rules, or in the absence of such engineering study, the receiving service area of public coast stations will be assumed to have a radius of 20 nautical miles, and that of government stations to be either 15 nautical miles or as stated by competent authorities of the agency concerned; e.g. District Commander for the U.S. Coast Guard, District Engineer for the U.S. Army If a Coast Guard station is used as a basis for exemption, the filing must include information from the District Commander of the geographical area concerned showing: (i) The coordinates of the station; (ii) the receiving area of service of the station; (iii) whether the station maintains a continuous listening watch on 156.8 MHz; and (iv) the District Commander's position, if any, on whether the exemption should be granted. The receiving area of service of the Coast Guard station will be plotted by the applicant on the chart referred to in this subparagraph.

(3) In addition to the listening watch on 156.8 Mc/s, limited coast stations, other than marine utility stations, after January 1, 1973, shall, during their hours of service, maintain a watch on each assigned working frequency whenever the station is not being used for transmission. If more than one working frequency is assigned, the station may maintain the working frequency listening watch by using a sequential frequency scanning device that monitors all working frequencies in turn and stops on any occupied frequency until reactivated by the station operator.

2. In § 81.303, the headnote is amended, paragraph (a) is amended, paragraph (b) is redesignated (c), and a new paragraph (b) added to read as follows:

§ 81.303 **Duplication of service.**

(a) No duplication of service areas as determined by Subpart R of this part of the rules, will be permitted by Class III-B Public Coast Stations operating on the same public correspondence channel.

(b) When calculated in accordance with Subpart R of this part, the service areas of two or more Class III-B Public Coast Stations operating on different public correspondence channels shall not be duplicated in more than 20 percent of the navigable waters within the service area of any station: *Provided, however,* That (1) an application may be filed for a station to serve a boating locality in which no station is located and which is at least 30 miles from an existing station serving primarily another locality, and for purposes of this rule section a boating locality is defined as a port, marina or harbor with docking or servicing facilities for not less than 10 commercial or 50 noncommercial vessels that are equipped with radio; or (2) an application may be filed for a station having a service area which duplicates more than 20 percent the service area of an existing station if the channel occupancy of the assigned station exceeds 50 percent during the station's specified busiest hours of operation. An application based on channel use of an existing station and proposing duplication by more than 20 percent the coverage area of the existing station, shall be accompanied by a record of monitorings, or other satisfactory information, to show that for any three periods of 5 consecutive days of station operation, during the 6-month period immediately prior to the filing of the application, the assigned frequency, or frequencies, was in use by the existing station for exchanging communications at least 50 percent of the time for any 12 hours of daily operation, of which not more than half of the use time may consist of waiting or set up time for calls.

* * * * *

3. In § 81.304, a new paragraph (f) is added to read as follows:

§ 81.304 **Frequencies available.**

* * * * *

(f) In assigning frequencies in the band 156-162 MHz to a Class III-B public coast station all initial grants will be limited to one working frequency. An additional frequency may be assigned (1) when the assigned working frequency is also used by a foreign station near enough to result in destructive electrical interference by simultaneous operation; or (2) if the channel occupancy of the assigned frequency exceeds 40 percent during its specified busiest hours of operation. An application for assignment of an additional working frequency shall be accompanied by a record of monitorings, or other satisfactory information, to show that for any three periods of 5 consecutive days of station operation, during the 6-month period immediately prior to the filing of the application, the assigned frequency, or frequencies, was in use for exchanging communications at least 40 percent of the time for any 12 hours of daily operation, of which not more than half of the use time may consist of waiting or set up time or calls.

* * * * *

4. Section 81.355 is amended to adding a new paragraph (d) as follows:

§ 81.355 **Nature of service.**

* * * * *

(d) Limited coast stations licensees who service and maintain ship radio stations may use any frequency listed in § 81.356 for ship radio station checks, provided (1) that arrangements for the check are made on an assigned coast station working frequency and (2) that the check is made in full compliance with the testing provisions of § 83.365 of the rules in this chapter.

5. Section 81.358 and headnote are amended to read as follows:

§ 81.358 **Conditions imposed upon assignments in the 156–162 MHz band.**

(a) Frequencies within the band 156–162 MHz assigned to limited coast stations shall be in accordance with the applicant's eligibility for a license. Normally, only one port operation, commercial and noncommercial frequency will be assigned. Application for authority to use more than one frequency in any one of these three categories shall include a satisfactory showing of need for the additional frequency, or frequencies as specified below.

(b) An application for an additional frequency, or frequencies by a person who services vessels, shall include (1) a description or identification of the vessel, or vessels, with which communication is planned and (2) a statement that the applicant has personal knowledge that the ship radio station, or stations, is not capable of operating on working frequencies already assigned to the coast station.

(c) An application for an additional frequency, or frequencies, based on an assertion that the volume of traffic is too great to be handled on the assigned frequency, or frequencies, shall include a copy of the station log, or other comparable documents, to show that for any four periods of 5 consecutive days each, in the preceeding 6 months the assigned frequency was in average daily use at least 25 percent of the time during 3 hours of daily peak activity. If the application for an additional frequency is based on the asserted heavy use of the primary station frequency by other nearby stations, the showing of need shall include the call signs and locations of such stations.

[FR Doc.72-10589 Filed 7-10-72;8:54 am]

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Dockets Nos. 1, 2; Amdts. 1-55, 7-6]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

PART 7—PUBLIC AVAILABILITY OF INFORMATION

Miscellaneous Amendments; Correction

The purpose of this amendment to Parts 1 and 7 is to change references to certain executive orders, to include new addresses in two appendices to Part 7, and to make several changes that were inadvertently omitted from the recent revision of Part 7.

Since this amendment relates to de- practices, notice and public procedure thereon is unnecessary, and it may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Parts 1 and 7 of Title 49, Code of Federal Regulations, are amended as follows:

§ 1.45 **[Amended]**

1. Section 1.45(a)(4)(ii) is amended by striking the words "Executive Order No. 10501 (3 CFR Ch. IV, 50 U.S.C. 401 (1953))" and inserting the words "Executive Order No. 11652 (37 F.R. 5209, March 10, 1972)" in place thereof.

2. Section 7.53(a) is amended to read as follows:

§ 7.53 **Records relating to matters that are required by Executive order to be kept secret.**

* * * * *

(a) Executive Order 11652 of March 8, 1972 (37 F.R. 5209, March 10, 1972).

* * * * *

§ 7.59 **[Amended]**

3. Section 7.59(b) is amended by inserting the words "trade secrets and" before the word "commercial" in the second and third sentences.

§ 7.85 **[Amended]**

4. Section 7.85(b)(1) is amended by striking "12 x 18" and inserting "11 x 17" in place thereof.

5. Paragraph 2 of Appendix E to Part 7 is amended by striking the words "Donohoe Building, 400 Sixth Street SW., Washington, DC 20591" and inserting the words "Nassif Building, 400 Seventh Street SW., Washington, DC 20590" in place thereof.

6. Paragraph 2 of Appendix G to Part 7 is revised to read as follows:

2. *Document inspection facility.* The document inspection facility of the Urban Mass Transportation Administration is maintained in room 9223 of the Department of Transportation Building (Nassif Building), 400 Seventh Street SW., Washington, DC 20590. This facility is open to the public during regular working hours.

(Sec. 9, Department of Transportation Act, 49 U.S.C. 1657)

Issued in Washington, D.C., on June 29, 1972.

JOHN A. VOLPE,
Secretary of Transportation.

[FR Doc.72-10519 Filed 7-10-72;8:47 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 1, 53, 301]

PROPOSED TAX REGULATIONS

Notice of Public Hearings

Public hearings on the provisions of the below-listed proposed regulations will be held on August 8, 1972, beginning at 10 a.m., e.d.s.t., in Room 3313, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, DC 20224. The public hearings will be in respect to:

(1) Proposed regulations under section 4947 of the Internal Revenue Code of 1954 relating to application of taxes to certain nonexempt trusts, appearing in the FEDERAL REGISTER for March 18 and 25, 1971 (36 F.R. 5240, 5608).

(2) Proposed regulations under sections 6034 and 6043 of the Internal Revenue Code of 1954 relating to returns of trusts, and returns upon termination, etc., of exempt organizations, appearing in the FEDERAL REGISTER for April 13, 1971 (36 F.R. 7012).

(3) Proposed regulations under sections 507 and 4945 of the Internal Revenue Code of 1954 relating to termination of private foundation status and taxable expenditures with respect to certain transfers, appearing in the FEDERAL REGISTER for April 22, 1972 (37 F.R. 7986).

(4) Proposed regulations under section 508 of the Internal Revenue Code of 1954 relating to special rules with respect to section 501(c)(3) organizations, appearing in the FEDERAL REGISTER for May 6, 1972 (37 F.R. 9289).

(5) Proposed regulations under sections 162 and 277 of the Internal Revenue Code of 1954 relating to deductions allowable to certain membership organizations, appearing in the FEDERAL REGISTER for May 6, 1972 (37 F.R. 9278).

The rules of § 601.601(a)(3) of the Statement of Procedural Rules (26 CFR Part 601) shall apply with respect to such public hearings. Copies of these rules may be obtained by a request directed to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, or by telephoning (Washington, D.C.) 202—964-3935. Under such § 601.601(a)(3), persons who have submitted written comments or suggestions within the time prescribed in the respective notices of proposed rule making and who desire to present oral comments at the respective hearing on such proposed regulations should by July 26, 1972, submit an outline of the topics and the time they wish to devote to each topic. Such outlines should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224.

Persons who desire a copy of such written comments or suggestions or outlines and who desire to be assured of their availability on or before the beginning of such hearings should notify the Commissioner, in writing, at the above address by August 1, 1972. In such a case, unless time and circumstances permit otherwise, the desired copies are deliverable only at the above address. The charge for copies is twenty-five cents ($0.25) per page, subject to a minimum charge of $1.

An agenda showing the order of the hearings on the proposed regulations and the scheduling of the speakers will be made after outlines are received from the speakers. Copies of this agenda will be available free of charge at the hearings, and information with respect to its contents may be obtained on August 7, 1972, by telephoning (Washington, D.C.) 202—964-3935.

LEE H. HENKEL, Jr.,
Chief Counsel.

[FR Doc.72-10597 Filed 7-10-72;8:54 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 947]

IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Proposed Limitation of Shipments

Consideration is being given to the issuance of the limitation of shipments regulation, hereinafter set forth, which was recommended by the Oregon-California Potato Committee, established pursuant to Marketing Agreement No. 114 and Order No. 947, both as amended (7 CFR Part 947). This program regulates the handling of Irish potatoes grown in the designated production area and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

This notice is based on the recommendations and information submitted by the Oregon-California Potato Committee and other available information. The recommendations of the committee reflect its appraisal of the composition of the 1972 crop in the production area and of the marketing prospects for this season.

The grade, size, quality, and maturity requirements as provided herein are necessary to prevent potatoes of low quality, or undesirable sizes from being distributed into fresh market channels. They will also provide consumers with good quality potatoes consistent with the overall quality of the crop, and maximize returns to the producers for the preferred quality and sizes.

Exceptions are provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

A specified quantity of potatoes may be handled without regard to maturity requirements in order to permit growers to make test diggings without loss of the potatoes so harvested.

Shipments may be made to certain special purpose outlets without regard to minimum grade, size, cleanliness, and maturity requirements, provided that safeguards are used to prevent such potatoes from reaching unauthorized outlets. Certified seed is so exempted because requirements for this outlet differ greatly from those for fresh market. Shipments for use as livestock feed within the production area or to specified adjacent areas are likewise exempt; a limit to the destinations of such shipments is provided so that their use for the purpose specified may be reasonably assured. Shipments of potatoes between Districts 2 and 4 for planting, grading, and storing are exempt from requirements because these two areas have no natural division. Other districts are more clearly separated and do not have this problem. For the same reason, potatoes grown in District 5 may be shipped without regard to the aforesaid requirements to specified locations in Idaho, Washington, and Malheur County, Oreg., for grading and storing. Since no purpose would be served by regulating potatoes used for charity purposes, such shipments are exempt. Exemption of potatoes for most processing uses is mandatory under the legislative authority for this part and therefore shipments to processing outlets are unregulated.

Requirements for export shipments differ from those for domestic markets; while high quality standards are desired in foreign outlets, smaller sizes are more acceptable. Therefore, different requirements for export shipments are provided.

Inspection requirements are waived in certain portions of District 4 because the area is remote from inspection facilities and this requirement would cause unreasonable hardship to growers in the area.

All persons who desire to submit written data, views, or arguments in connection with this proposal should file the same in quadruplicate with the Hearing Clerk, Room 112 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)).

Termination of regulations. Limitation of shipments § 947.330 effective October 16, 1971, through October 15, 1972, shall be terminated upon the effective date of this section.

§ 947.331 **Limitation of shipments.**

During the period July 24, 1972, through October 15, 1973, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a), (b), (c), (d), and (h) of this section, or unless such potatoes are handled in accordance with paragraphs (e), (f), (g), and (i) of this section.

(a) Grade requirements: All varieties—U.S. No. 2, or better grade: *Provided,* That potatoes graded U.S. Commercial shall meet all of the requirements of U.S. No. 1, except they may be "slightly dirty."

(b) Size requirements: All varieties—2 inches minimum diameter or 4 ounces minimum weight.

(c) Cleanliness requirements: All varieties—U.S. Commercial may be no more than "slightly dirty"; all other grades as required in the U.S. Standards for Grades of Potatoes.

(d) Maturity (skinning) requirements:

(1) All varieties—no more than "moderately skinned."

(2) Not to exceed a total of 100 hundredweight of any variety of a lot of potatoes may be handled for any producer any 7 consecutive days without regard to the aforesaid maturity requirements. Prior to each shipment of potatoes exempt from the above maturity requirements, the handler thereof shall report to the committee the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(e) Special purpose shipments: The minimum grade, size, cleanliness, and maturity requirements set forth in paragraphs (a), (b), (c), and (d) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(1) Certified seed.

(2) Livestock feed: *Provided,* That potatoes may not be shipped for such purpose outside the production area except that potatoes may be shipped to the States of Idaho, Washington, and to Malheur County in the State of Oregon for livestock feed.

(3) Planting: *Provided,* That potatoes may not be shipped for such purposes outside of the district where grown except that potatoes grown in District No. 2 or District No. 4 may be shipped for planting within, or to such district for such purposes.

(4) Grading or storing, under the following provisos:

(i) Within the production area for grading or storing if such shipments meet the safeguard requirements of paragraph (f) of this section;

(ii) Potatoes grown in District No. 2 or District No. 4 may be shipped for grading or storing within or to such districts without regard to the safeguard requirements;

(iii) Potatoes grown in District 5 may be shipped for grading or storing to any specified locations in the adjoining State of Idaho and the counties of Benton, Franklin, and Walla Walla in the State of Washington and Malheur County in the State of Oregon for such purposes; and

(iv) Potatoes grown in any one district may be shipped, without regard to the safeguard requirements, to a receiver in any other district if such receiver is determined by the committee to be a processor of canned, frozen, dehydrated, prepeeled products, potato chips, or potato sticks.

(5) Charity.

(6) Canning, freezing, prepeeling, and "other processing" as hereinafter defined: *Provided,* That shipments of potatoes for the purposes specified pursuant to this subparagraph shall be exempt from inspection requirements specified in paragraph (h) of this section and from assessment requirements specified in § 947.41.

(7) Export: *Provided,* That all shipments of potatoes for the purpose specified pursuant to this subparagraph shall be U.S. No. 1 grade or better and 1½ inches or larger in diameter.

(f) Safeguards:

(1) Each handler making shipments of seed pursuant to paragraph (e) of this section shall furnish the committee with either a copy of the applicable certified seed inspection certificate or shall apply for and obtain a certificate of privilege and, upon request of the committee, furnish reports of each shipment made pursuant to each certificate of privilege.

(2) Each handler making shipments of potatoes pursuant to subparagraphs (2), (4)(i), (6), and (7) of paragraph (e) of this section and each receiver of potatoes pursuant to subparagraphs (4)(i) and (iv) of paragraph (e) of this section, shall:

(i) First, apply to the committee for and obtain a certificate of privilege to make such shipments,

(ii) Prepare, on forms furnished by the committee, a report in quadruplicate on such shipments as may be requested by the committee,

(iii) Within 48 hours of the date of shipment forward one copy of such diversion report to the committee office and forward two copies to the receiver with instructions to the receiver that he sign and return one copy to the committee office within 14 days of shipping date. The handler and receiver may each keep one copy for their files. Failure of handler to report within 48 hours or receiver to report such shipments within 14 days of shipping date by signing and returning the applicable diversion report to the committee office shall be cause for cancellation of such handler's certificate of privilege and/or the receiver's eligibility to receive further shipments pursuant to any certificate of privelege. Shipment of potatoes by a certificate of privilege holder to an ineligible receiver shall be cause of cancellation of the handler's certificate of privilege. Upon the cancellation of any such certificate of privilege the handler may appeal to the committee for reconsideration. Such appeal shall be in writing: *Provided,* That such requirements of this paragraph shall not be applicable to shipments of potatoes for starch.

(g) Minimum quantity exception: Each handler may ship up to but not to exceed 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any shipment that exceeds 5 hundredweight of potatoes.

(h) Inspection: For the purpose of operation under this part, unless exempted from inspection by the provisions of this section, each required inspection certificate is hereby determined, pursuant to § 947.60(c), to be valid for a period of not to exceed 14 days following completion of inspection as shown on the certificate. The validity period of an inspection certificate covering inspected and certified potatoes that are stored in refrigerated storage within 14 days of the inspection shall be the entire period such potatoes remain in such storage: *Provided,* That in District 4, potatoes grown over 40 airline miles from the post office, Tulelake, Calif., shall be exempt from the requirements of § 947.60, *Inspection and certification.*

(i) Any lot of potatoes previously inspected pursuant to § 947.60(a) is not required to have additional inspection under § 947.60(b) after regrading, resorting, or repacking such potatoes, if the inspection certificate is valid at the time of handling such regraded, resorted, or repacked potatoes.

(j) Definitions:

(1) The terms "U.S. No. 1," "U.S. Commercial," "U.S. No. 2," and "moderately skinned" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1566 of this title effective September 1, 1971, as amended February 5, 1972 (37 F.R. 2745), including the tolerances set forth therein.

(2) The term "slightly dirty" means potatoes that are not damaged by dirt.

(3) The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removing the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 U.S. Standards for Grades of Peeled Potatoes (§§ 52.2421–52.2433 of this title).

(4) The term "other processing" has the same meaning as the term appearing in the Act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the

application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute "other processing."

(5) Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114, as amended, and this part.

Dated: July 5, 1972.

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

[FR Doc.72-10525 Filed 7-10-72;8:48 am]

Farmers Home Administration

[7 CFR Part 1823]

[FHA Instruction 446.1]

COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, AND UTILIZATION

Proposed Resource Conservation and Development Loan Policies and Authorizations

Notice is hereby given that the Farmers Home Administration is considering a proposed amendment of Part 1823, Subpart J, Title 7, Code of Federal Regulations (35 F.R. 15317) as follows:

1. Section 1823.305 is amended to provide that loans for recreation, fish and wildlife developments, and solid waste disposal facilities will be made only to public agencies for such developments to be located in rural areas which will provide substantial benefits and services to rural residents; paragraphs (a), (b), and (e) of this section are amended with respect to the use of RCD loan funds for recreation projects to public entities for public water-based recreational developments for which the Soil Conservation Service will provide either technical or financial assistance, and to also provide for the purchase of existing facilities for shift-in-land use when deemed necessary. Paragraph (m) is deleted.

2. Section 1823.306, paragraph (j) is added to limit the type of community recreational development other than that described in § 1823.305(a).

3. Sections 1823.307 and 1823.310 are amended for clarification.

As amended, §§ 1823.305, 1823.306, 1823.307, and 1823.310 will read as follows:

§ 1823.305 Loan purposes.

Generally, loans may be made for project measures that bear directly upon land conservation and land utilization. Project measures for which loans are made must also be for community benefit and contribute to the economic improvement of the area. Except as otherwise indicated, loans may be made to eligible local public agencies or nonprofit corporations for the following purposes, except that loans for recreation and fish and wildlife developments and for solid waste disposal facilities will be made only to public agencies for such developments to be located in rural areas which will provide substantial benefits and services to rural residents.

(a) *Public water-based recreational developments and public water-based fish and wildlife developments.* To help public entities obtain the local share of costs for public water-based recreational developments and public water-based fish and wildlife developments included in the RCD project plan for which either technical or financial assistance is being provided by SCS from RCD funds. When the applicant desires developments that are greater in number or more elaborate than those included in the RCD plan, it may do so, but RCD loans will not be made for such additional developments. Authorized use of loan funds for such projects may include one or more of the following when such is an essential part of the development.

(1) Construction of water resource improvements such as a reservoir, a lake level control structure, stream or channel rectification, or a similar improvement.

(2) Acquiring fee simple title to land or perpetual easements for sites for direct resource improvements; removals, relocations, and modification of existing improvements; and access roads, parking lots, sanitary facilities, picnicking, beach area, and related purposes.

(3) Engineering, legal, administrative, and planning costs for approved types of public water-based recreational developments and public water-based fish and wildlife developments and for acquiring land, easements, and rights-of-way.

(4) Minimum basic facilities, such as roads and trails providing access from public highways and between different parts of the development; parking lots; water supply; sanitary facilities; and garbage disposal for public use areas; power facilities; beach development; boat docks and ramps; plantings and other shoreline or area improvements; picnic shelters, tables, and fireplaces; and other similar or related facilities needed for public health and safety, and access to and use of the developments.

(b) *Soil and water development, conservation, control, and use facilities, and solid waste disposal facilities.* Install or improve:

* * * * *

(5) Solid waste disposal facilities for the collection, treatment, or disposal of human, animal, agricultural, and other waste including items such as garbage trucks and equipment, sanitary land fills, and incinerators.

* * * * *

(e) *Purchase existing facilities.* Purchase existing facilities for shift-in-land use, soil and water development, conservation, control and use when it is determined that purchase is necessary to provide efficient service through a facility owned and operated by a public agency (or a noprofit corporation in a rural area), or the owner is either unwilling or unable to make improvements, enlargements, or extensions needed to provide significant additional or improved service for present users or for a new group of users at reasonable rates.

* * * * *

(m) [Deleted].

§ 1823.306 Loan limitations.

RCD loans will not be made for:

* * * * *

(j) Any type of community recreational development other than that described in § 1823.305(a).

§ 1823.307 Rates and terms.

The interest rate for RCD loans is the average rate paid by the U.S. Treasury on obligations of a similar maturity outstanding at the beginning of the fiscal year in which the loan is made. RCD loans will be scheduled for repayment in amortized annual installments of principal and interest over periods not to exceed 30 years except that annual principal and interest payments may be deferred up to 5 years when there will not be sufficient income to make earlier payments. (Current information regarding interest rates and amortization may be obtained from any county or State office of the FHA, or from its national office at 14th and Independence Avenue SW., Washington, D.C. 20250.)

§ 1823.310 Loan approval.

State Directors are authorized hereby to determine the eligibility of applicants and approve RCD loans in accordance with the requirements of this subpart.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendment to the Assistant Administrator for Management, Farmers Home Administration, U.S. Department of Agriculture, Room 5013, South Building, Washington, D.C. 20250, within 30 days after date of 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 Assistant Administrator for Management during regular business hours (8:15 a.m.-4:45 p.m.).

(Sec. 339, 75 Stat. 318, 7 U.S.C. 1989; sec. 301, 80 Stat. 379, 5 U.S.C. 301; Order of Acting Secretary of Agriculture, 36 F.R. 21529; Order of Assistant Secretary of Agriculture for Rural Development and Conservation, 36 F.R. 21529)

Dated: July 3, 1972.

G. W. F. CAVENDER,
Acting Administrator, Farmers Home Administration.

[FR Doc.72-10526 Filed 7-10-72;8:48 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 3]

RETURNABLE SOFT DRINK BOTTLES

Use of Lithographed Bottles Bearing Label Declaration for Cyclamates

In the FEDERAL REGISTER of January 9, 1970 (35 F.R. 362), the Commissioner of Food and Drugs, in response to requests by the soft drink industry, proposed specific conditions for allowing the continued use of certain mislabeled lithographed returnable soft drink bottles for beverages containing combinations of nutritive and nonnutritive sweeteners. These bottles bear statements indicating that the beverages contain cyclamates and bear declarations such as "sugar free," "less than 1 calorie per bottle," and "less than 2 calories per bottle." The proposal contained a provision to limit to 1 year the period for continued use of stocks of such bottles.

Comments received concerning the January 9, 1970, proposal requested a period of 5 years instead of 1 year. In support of this position it was claimed that (1) the average life of returnable bottles is 5 years, (2) it would be impossible for the glass industry to provide all bottlers with complete replacement within 1 year, and (3) some small bottlers would be bankrupted if forced to absorb such a loss in a single year.

After consideration of all comments, the Commissioner promulgated an amendment to 21 CFR 3.72 in the FEDERAL REGISTER of March 18, 1970 (35 F.R. 4702), that allows continued use of such bottles until October 1, 1972. This amendment specifies that prominent labeling must appear on bottle caps, cartons, and vending machines showing that the product contains sugar or carbohydrates and specifying the caloric and carbohydrate content per fluid ounce. Other cautionary information was also specified for cartons and vending machines. This labeling was deemed necessary to minimize confusion and properly inform diabetics that these beverages were not for their use without the advise of a physician.

In the FEDERAL REGISTER of February 1, 1972 (37 F.R. 2437), a regulation (21 CFR 121.4001) was promulgated which requires that the quantity of saccharin in milligrams per fluid ounce must be specified on the label of all saccharin-containing soft drinks. A similar requirement appears in 21 CFR 3.72, but, in the case of the mislabeled lithographed bottles, this statement is not required on the bottles or caps, but only on the cartons or vending machines.

Anticipating the impact on the industry of adhering to the October 1, 1972, cutoff date, the National Soft Drink Association (NSDA) has requested that the date for continued use of the mislabeled bottles be extended until such time as bottles are phased out by natural attrition or competitive factors. NSDA's request was based on information that approximately $10 million worth of the lithographed bottles remain in use for diet beverages containing a combination of nutritive and nonnutritive sweeteners. NSDA further requested consideration of the following points: (1) The food additive regulation promulgated on February 1, 1972, would require new label changes, (2) the uncertainty as to the future use of saccharin as a sweetener for food products generates a reluctance by the soft drink industry to make large investments in new glass returnable bottles; (3) there is a 2-year history of use of the cyclamate labeled bottles and an awareness by the consumer that no products contain cyclamates; (4) there has been no recent history of any adverse effects to consumers from the use of the incorrectly labeled bottles; (5) to the best of NSDA's knowledge, the industry is in full compliance with the labeling requirements promulgated March 18, 1970, and will comply with the requirements promulgated February 1, 1972; and (6) phasing out the inventory of the lithographed bottles in the months remaining until October of 1972 would increase claims under any legislation passed by the Congress to alleviate the burdens created by the cyclamate ban.

It is estimated that the $10 million inventory represents about 100 million bottles. Thus, there is reason to be concerned about the environmental impact that would result from destruction of such a large number of bottles over a short period of time. There is also reason to believe that manufacturers, if required to discontinue the present uses on October 1, 1972, will replace the returnable bottles with one-way bottles, thereby contributing a long-term environmental impact. If allowed to phase out the bottles as requested, the manufacturers have indicated that they would be replaced in the normal course of business by returnable bottles. The net impact would be considerably less.

The Commissioner has considered the NSDA request and other relevant information and concludes that continued use of the lithographed bottles should be allowed until they are phased out by natural attrition.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 403, 409(d), 701(a), 52 Stat. 1047–48 as amended, 1055, 72 Stat. 1787; 21 U.S.C. 343, 348(d), 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend Part 3 by revising paragraph (e) of § 3.72 as follows:

§ 3.72 Combinations of nutritive and nonnutritive sweeteners in "diet beverages."

* * * * *

(e) Bottlers of diet drinks have on hand large stocks of returnable lithographed bottles bearing statements indicating that the beverages contain cyclamates and/or declarations such as "sugar free," "less than 1 calorie per bottle," or "less than 2 calories per bottle" which bottles were formerly used for artificially sweetened beverages containing cyclamates. The Food and Drug Administration will not object to continued use of these bottles under the following conditions:

(1) The bottles when filled with beverages made with combinations of nutritive and nonnutritive sweeteners may be marketed only:

(i) In multiunit cartons labeled prominently on each principal display panel with the information set forth in paragraphs (c) and (d) of this section and with a prominent, forthright notice that any information on bottles which is contrary to that on the cartons should be disregarded because it is incorrect. To assure adequate prominence and conspicuousness, the following statements should stand out in marked contrast with other labeling: The statement of caloric content and carbohydrate content per fluid ounce, the statement required by paragraph (d) (3) or (4) of this section as applicable, and the notice to disregard any information on bottles which is contrary to that on the cartons. These statements may be made to stand out by means such as setting them forth in boxes, printing in bold capitals on lines separated from other printed labeling, using colors that contrast with those used for other label statements, or other similar means.

(ii) In vending machines bearing durable labeling which includes all of the information required to appear on cartons set forth with the same degree of prominence.

(2) In addition, the bottles must bear caps labeled prominently with the words "Contains Sugar" or "Contains Carbohydrates," and accurate statements of the caloric content and carbohydrate content per fluid ounce.

Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: July 3, 1972.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.72-10533 Filed 7-10-72;8:49 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner (Federal Housing Administration)

[24 CFR Part 221]

[Docket No. R-72-201]

LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Mortgagor's Minimum Investment

Pursuant to section 221 of the National Housing Act (12 U.S.C. 1715b, 1715l), it is proposed to amend Part 221 of the Department's regulations concerning the required minimum investment by the mortgagor.

The Department has found that investors are taking advantage of the low down payment requirements under section 221 to purchase two-, three-, and four-family dwellings for use as rental properties. Therefore, § 221.50 is being amended to provide that the minimum investment requirements for two-, three-, or four-family dwellings purchased by mortgagors who do not qualify as displaced families will be the same as the minimum investment requirements for these properties under section 203. The down payment requirements for single-family dwellings and the down payment requirements for dwellings purchased by mortgagors qualifying as displaced families will not be affected by this change.

Interested persons are invited to submit written comments with respect to this proposal. Communications should be identified by the above docket number and title, and should be filed in triplicate with the Rules Docket Clerk, Office of General Counsel, Room 10256, Department of Housing and Urban Development, 451 Seventh Street S.W., Washington, DC 20410. All relevant material received on or before August 9, 1972, will be considered before adoption of the final rule. Copies of comments submitted will be available for examination during business hours at the above address.

Accordingly, the proposed change issued pursuant to section 7(d) of the Housing and Urban Development Act, 42 U.S.C. 3535(d) is set out below.

Section 221.50 would be revised. As amended, § 221.50 would read as follows:

§ 221.50 Mortgagor's minimum investment.

(a) At the time the mortgage on a single-family dwelling is insured, a mortgagor other than a mortgagor qualifying as a displaced family shall have paid in cash or its equivalent at least 3 percent of the Commissioner's estimate of the acquisition cost of the property.

(b) At the time the mortgage on a two-, three-, or four-family dwelling is insured, a mortgagor other than a mortgagor qualifying as a displaced family shall have paid in cash or its equivalent at least the minimum amount required pursuant to the loan-to-value limitations as set forth below.

(1) *Loan-to-value limitation — approval prior to construction.* If the mortgage covers a dwelling approved for mortgage insurance prior to the beginning of construction, or if the mortgage covers a dwelling which was completed more than 1 year preceding the date of the application for mortgage insurance, the sum of the following percentages of the Commissioner's appraised value of the property as of the date the mortgage is accepted for insurance constitutes the maximum loan-to-value ratio:

(i) Ninety-seven percent of the first $15,000 of such value.

(ii) Ninety percent of such value in excess of $15,000, but not in excess of $25,000.

(iii) Eighty percent of such value in excess of $25,000.

(2) *Loan-to-value limitation — no prior approval.* A loan-to-value limitation of 90 percent of $25,000 of the appraised value of the property as of the date the mortgage is accepted for insurance, and 80 percent of such value in excess of $25,000 is required if the dwelling does not meet the requirements contained in subparagraph (1) of this paragraph.

(c) A mortgagor qualifying as a displaced family shall have paid in cash or its equivalent on account of the property, at the time the mortgage is insured, not less than:

(1) Two hundred dollars for a one-family dwelling;

(2) Four hundred dollars for a two-family dwelling;

(3) Six hundred dollars for a three-family dwelling;

(4) Eight hundred dollars for a four-family dwelling.

Issued at Washington, D.C., July 6, 1972.

EUGENE A. GULLEDGE,
Assistant Secretary-Commissioner.

[FR Doc.72-10564 Filed 7-10-72;8:51 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 82]

[CGD 72-111]

POLLOCK RIP ENTRANCE AND GREAT ROUND SHOAL ENTRANCE, MASSACHUSETTS

Proposed Boundary Lines of Inland Waters

The Coast Guard is considering amending the line of demarcation for inland waters at Pollock Rip Entrance and Great Round Shoal Entrance, Massachusetts. Pollock Rip Lightship was disestablished and replaced by Pollock Rip Lighted Horn Buoy "PR" in the same location. This change does not alter the established line of demarcation at Pollock Rip. Great Round Shoal Channel Entrance Whistle Buoy "GRS" has been relocated approximately one-half mile southwest in position latitude 41°26′06″ north, longitude 69°43′22″ west. This buoy relocation moves the line of demarcation approximately 800 yards to the southwest at the southern terminus of a line between "PR" and the old "GRS" position, and moves the line of demarcation approximately 400 yards to the south at the eastern terminus of a line between Sankaty Head Light and the old "GRS" position.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Executive Secretary, Marine Safety Council, U.S. Coast Guard Headquarters, Room 8234, 400 Seventh Street SW., Washington, DC 20590. Each person submitting comments should include his name and address and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Executive Secretary, Marine Safety Council.

All comments received before August 14, 1972, will be considered before final action is taken on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 82 be amended by revising § 82.15 to read as follows:

§ 82.15 Nantucket Sound, Vineyard Sound, Buzzard's Bay, Narragansett Bay, Block Island Sound, and easterly entrance to Long Island Sound.

(a) A line drawn from Chatham Light to Pollock Rip Lighted Horn Buoy "PR"; thence to Great Round Shoal Channel Entrance Lighted Whistle Buoy "GRS"; thence to Sankaty Head Light.

(b) A line drawn from the westernmost extremity of Smith Point, Nantucket Island, to No Mans Land Lighted Whistle Buoy 2; thence to Gay Head Light; thence to Block Island Southeast Light; thence to Montauk Point Light on the easterly end of Long Island, N.Y.

(Sec. 2, 28 Stat. 672, as amended, sec. 6(b)(1), 80 Stat. 938; 33 U.S.C. 151, 49 U.S.C. 1655(b), 49 CFR 1.46(b))

Dated: July 5, 1972.

W. F. REA, III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.72-10543 Filed 7-10-72;8:49 am]

[46 CFR Parts 32, 92, 190]

[CGD 72-109 W]

TWO AVENUES OF ESCAPE—TANK, CARGO, AND OCEANOGRAPHIC VESSELS

Withdrawal of Notice of Proposed Rule Making

The purpose of this notice is to withdraw Item 10 of the Coast Guard's notice of proposed rule making CGFR 72-37 (37 F.R. 4293, March 1, 1972; Marine Safety Council Public Hearing Agenda,

March 27, 1972, Item 10) wherein the Coast Guard solicited comments on amendments under consideration in Parts 32, 92, and 190 of Title 46 of the Code of Federal Regulations whereby all berthing compartments above the main deck on tank, cargo, and oceanographic vessels would be required to have one avenue of escape in addition to an exit into a passageway and that if such an avenue of escape is an air port, the air port would be capable of being opened manually and have a usable opening diameter of 16 inches or more.

This action is based on comments received at the public hearing on March 27, 1972, and in written communications from interested parties which presented valid reasons for the complete withdrawal of this item. Included in the comments were references to current construction standards, innovative design changes, and the required use of fire retardant materials in present day ship construction, all of which invalidate the need for the proposed change.

The rule making action on this item is thus terminated.

In consideration of the foregoing, Item 10 of the notice of proposed rule making published in the FEDERAL REGISTER (37 F.R. 4293, March 1, 1972) and circulated as Item 10 of the Marine Safety Council Public Hearing Agenda, 27 March 1972 entitled "Two Avenues of Escape—Tank, Cargo, and Oceanographic Vessels", is hereby withdrawn.

This withdrawal is issued under the authority of 46 U.S.C. 375, 391a, 416, and 170.

Dated: July 5, 1972.

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

[FR Doc.72-10544 Filed 7-10-72;8:49 am]

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 12030]

SIAI MARCHETTI AIRPLANES

Proposed Airworthiness Directive

Correction

In F.R. Doc. 72-9913 appearing on page 12969 of the issue for Friday, June 30, 1972, the first paragraph of the directive should read:

SIAI MARCHETTI. Applies to SIAI Marchetti, Models S.205 -18R, -20R, and -22R airplanes. Serial Nos. 001 through 003, and 101 through 399.

[14 CFR Part 71]

[Airspace Docket No. 72-SW-43]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Dallas-Fort Worth, Tex., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (37 F.R. 2143), the Dallas-Fort Worth, Tex., transition area is amended by deleting "to latitude 32°23'00" N., longitude 97°05'00" W., to latitude 32°25'00" N., longitude 97°29'00" W.; thence north along longitude 97°29'00" W. to and clockwise along the arc of a 23-mile radius circle centered at latitude 32°46'20" N., longitude 97°26'30" W.;" and substituting therefor "to latitude 32°23'00" N., longitude 97°05'00" W.; to latitude 32°16'30" N., longitude 97°25'30" W.; to latitude 32°19'30" N., longitude 97°33'00" W.; thence north along longitude 97°33'00" W. to and clockwise along the arc of a 23-mile radius circle centered at latitude 32°46'20" N., longitude 97°26'30" W.;".

The proposed alteration of the Dallas-Fort Worth transition area is to encompass the new instrument approach procedure to the Cleburne, Tex., Municipal Airport with controlled airspace down to 700 feet AGL.

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

Issued in Fort Worth, Tex., on June 30, 1972.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.72-10517 Filed 7-10-72;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 72-SW-42]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at DeQueen, Ark.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

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

DEQUEEN, ARK.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Sevier County Airport (latitude 34°02'44" N., longitude 94°23'58" W.) and within 3.5 miles each side of the 269° T. (262° M.) bearing from the DeQueen NDB (latitude 34°02'39" N., longitude 94°23'59" W.) extending from the 5-mile radius area to a point 10 miles west of the NDB.

The proposed transition area will provide controlled airspace for aircraft executing approach/departure procedures proposed at the Sevier County Airport, DeQueen, Ark.

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

Issued in Fort Worth, Tex., on June 30, 1972.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.72-10518 Filed 7-10-72;8:47 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19512]

FM BROADCAST STATIONS IN CERTAIN CITIES IN MASS., MICH., AND IND.

Order Extending Time to File Comments and Reply Comments

In the matter of Amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Winchendon, Mass.; Adrian, Mich.; and West Lafayette, Ind.), Docket No. 19512, RM-1791, RM-1820, RM-1822.

1. The notice of proposed rule making in the above-entitled proceeding was adopted on May 17, 1972, released May 23, 1972 (FCC 72-430), and published in the FEDERAL REGISTER on May 25, 1972 (37 F.R. 10579). The dates for filing comments and reply comments are July 5 and 17, 1972, respectively.

2. On June 28, 1972, counsel for Lakes Region Broadcasting Corp., Inc. (Lakes Region) filed a letter requesting an extension of time for filing comments to July 21, 1972. Lakes Region states that the additional time is necessary in order to give the Commission an opportunity to act on its request of June 6, 1972, that the Winchendon, Mass., proposal (RM-1791) be severed from consideration in Docket No. 19512, because it conflicts with the still pending proposal in Docket No. 19116 and that the proceedings be consolidated.

3. We are of the view that in the circumstances the requested extension is warranted and would serve the public interest: *Accordingly, it is ordered*, That the time for filing comments and reply comments in Docket No. 19512, RM-1791 only, is extended to and including July 21 and August 2, 1972, respectively.

4. This action is taken pursuant to authority found in section 5(d)(1) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: June 29, 1972.

Released: July 5, 1972.

[SEAL] HAROLD L. KASSENS,
Acting Chief, Broadcast Bureau.

[FR Doc.72-10577 Filed 7-10-72;8:52 am]

[47 CFR Parts 73, 76]

[Docket No. 19513]

SPONSORSHIP IDENTIFICATION

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of the Commission's "Sponsorship Identification" rules—§§ 73.119, 73.289, 73.654, 73.789, and 76.221, Docket No. 19513.

1. The notice of proposed rule making in the above-entitled proceeding, adopted May 17, 1972, released May 23, 1972, and published in the FEDERAL REGISTER on May 25, 1972, 37 F.R. 10583, specified dates for filing comments and reply comments as July 10 and July 24, 1972.

2. On June 23, 1972, Friends of the Earth (FOE) filed a request for an extension of time to and including July 26, for the filing of comments and to and including August 10, 1972, for the filing of reply comments. FOE states that it is laboring under an extraordinary heavy workload and has recently had a number of matters pending before the Commission and the courts which required immediate action. It therefore requires the additional time in which to prepare its comments.

3. We are of the view that the requested extension of time is warranted and would serve the public interest: *Accordingly, it is ordered*, That the time for filing comments and reply comments in the above docket is extended to and including July 26 and August 10, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: June 28, 1972.

Released: June 29, 1972.

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.72-10576 Filed 7-10-72;8:54 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 154, 201, 260]

[Docket No. R-411]

ACCOUNTING AND RATE TREATMENT OF ADVANCE PAYMENTS FOR GAS DEVELOPMENT AND PRODUCTION

Renotice of Proposed Rule Making and Request for Comments

JULY 3, 1972.

Pursuant to 5 U.S.C. 553, sections 8, 10, and 16 of the Natural Gas Act (52 Stat. 825, 826, 830; 15 U.S.C. 717g, 717i, 717o), the Commission gives notice it will undertake a careful evaluation of the experience under Commission Order No. 441, Docket No. R-411 (36 F.R. 21961), to determine whether its objectives are being satisfactorily met at an acceptable level of ultimate cost to the Nation's gas consumers.

The action proposed to be taken is an indepth analysis of developments under the advance payment agreements which have been filed with the Commission in compliance with Commission Orders No. 410, 410A (Docket No. R-380) and 441 (Docket No. R-411).[1] The primary objective will be to determine whether the program is stimulating activity toward increasing the supply of natural gas sufficiently to justify the extension of rate base treatment of advances made after December 31, 1972.[2]

As part of the process of this determination, our staff is requested to prepare a questionnaire to be distributed to those regulated natural gas companies which have filed advance payment agreements. It is anticipated that the questionnaire will be completed and returned to the Commission on or before September 15, 1972, with data reported as near as possible to August 31, 1972.

The accounting and rate treatment of advance payments was formerly before the Commission and treated in Orders Nos. 410, issued October 2, 1970 (44 FPC 1142, 410A), issued January 8, 1971 (45 FPC 135), and 441, issued November 10, 1971 (36 F.R. 21961). The Commission deems it appropriate to offer all parties further opportunity to comment on Account 166 and demonstrate the effectiveness or futility of the present advance payment program.

Comments are requested from interested parties on the advisability of (i) continuing the rate treatment of advance payments for gas development and production beyond the December 31, 1972, termination date, (ii) allowing exploration and lease acquisition costs to receive rate treatment as originally prescribed in Orders Nos. 410 and 410A, (iii) treating specified advance payments to pipeline affiliates, the same as similar advances to independent producers, and (iv) requiring simple interest at the rate of 7 percent per annum be paid by the producer to the pipeline on such advances.

The Commission deems it appropriate to offer all parties opportunity to comment on their experience under Commission Orders Nos. 410, 410A, and 441.

No extension of time is intended to be granted for responses to this rule making proceeding because of the time element necessary to analyze the responses before the termination date.

Any interested person may submit to the Federal Power Commission, Washington, D.C., not later than July 31, 1972, data, views, comments, or suggestions in writing concerning all or part of the proposed revised regulations. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submittals to the Commission should and telephone number of the person to whom communications concerning the proposal should be addressed, and indicate the name, title, mailing address, whether the person filing them requests a conference with the staff of the Federal

---

[1] The U.S. Court of Appeals for the District of Columbia circuit affirmed Commission Orders No. 410, 410A, and 441, but in doing so admonished that: "We would accordingly expect that the FPC will not continue, or extend the effective date of, the practices authorized by Order 441 without further proceedings in which New York and all other interested parties will be given the opportunity to demonstrate the effectiveness or the futility of this experiment."

[2] Termination date set in Order No. 441, issued Nov. 10, 1971, in Docket No. R-411.

Power Commission to discuss the proposed revision. The staff, in its discretion, may grant or deny requests for conference.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-10505 Filed 7-10-72;8:46 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 423]

CARE LABELING OF TEXTILE WEARING APPAREL

Proposed Trade Regulation Rule and Notice of Opportunity To Submit Data, Views, or Arguments

Notice is hereby given that the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq.; the provisions of Part 1, Subpart B of the Commission's procedures and rules of practice, 16 CFR 1.11, et. seq.; and section 553 of Subchapter II (Administrative Procedure), chapter 5, title 5, United States Code, proposes to amend the above Trade Regulation Rule promulgated December 9, 1971, to become effective July 3, 1972. The rule including the statement of basis and purpose for the rule was published in the FEDERAL REGISTER on December 16, 1971, 36 F.R. 23883.

The proposed amendment would delete from example No. 4 of the rule the sentence: "Do not use petroleum solvents, or the coin operated method of drycleaning." Also the word "professional" would be added. So amended, example No. 4 would read:

§ 423.1 The Rule.

* * * * *

Examples. * * *

4. Professional dry clean only.

All interested parties, including the consuming public, are hereby notified that they may submit written data, views, or arguments concerning the proposed amendment to the Assistant Director, Division of Rules and Guides, Bureau of Consumer Protection, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, D.C. 20580, not later than August 10, 1972.

The data, views, or arguments submitted with respect to adoption of the proposed amendment will be available for examination by interested parties in Room 130 of the Division of Legal and Public Records, Federal Trade Commission, Washington, D.C., and will be considered by the Commission in determining whether to amend the Trade Regulation Rule.

Copies of the full text of the Trade Regulation Rule also the Statement of Basis and Purpose for the Rule are available upon request.

Issued: July 11, 1972.

By direction of the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.72-10551 Filed 7-10-72;8:53 am]

Notices

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of condition of insured banks, issued jointly by the Comptroller of the Currency, the Federal Reserve System, and the Federal Deposit Insurance Corporation, see F.R. Doc. 72-10522, Federal Deposit Insurance Corporation, *infra*.

Office of the Secretary

REPUBLIC OF CHINA; GUARANTEED FOREIGN MILITARY SALES LOAN AGREEMENT

Results of Competitive Bidding

The average interest rate of the accepted bids submitted in response to the Public Notice of Invitation to Bid on a $25 million U.S. Government Guaranteed Loan to the Government of the Republic of China, published in the FEDERAL REGISTER on June 8, 1972 (37 F.R. 11488), was 7.225 percent. Interest rates on accepted bids ranged from 6.875 percent to 7.375 percent. The total of bids submitted was $150 million.

Dated: July 6, 1972.

[SEAL] RICHARD V. ADAMS,
Special Assistant to the Secretary (Debt Management).

[FR Doc.72-10527 Filed 7-10-72;8:48 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Records Not Available and Change of Location

JUNE 30, 1972.

Notice is hereby given that the official land records of the Riverside Land District will not be available for inspection by the public from August 8 through August 14, 1972. The official records of the Sacramento Land District will not be available for inspection by the public from August 11 through August 14, 1972. Commencing at 10 a.m. on August 15, 1972, all of the official land records for the State of California will be available for inspection in the California State Office, Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825. This action implements the change in application procedures published in 37 F.R. 12144, June 20, 1972.

In accordance with Title 43, Code of Federal Regulations §§ 1821.2, 1821.2-1, 1821.2-2, 1821.2-3, applications, payments, and other documents received for filing in the normal course of business at the Riverside District and Land Office from August 8 through August 14, 1972, shall be deemed to be filed as of 10 a.m., August 15, 1972. Those applications, payments, and other documents received for filing in the normal course of business at the Sacramento Land Office from August 11 to August 14, 1972, shall be deemed to be filed as of 10 a.m., August 15, 1972. Those applications, payments, or other documents required by the regulations to be filed in the Riverside District and Land Office on or before August 8 through August 14, 1972, and in the Sacramento Land Office August 11 through August 14, 1972, will be timely filed if received in the Sacramento Land Office, Federal Office Building, Room E-2841, 2800 Cottage Way, Sacramento, CA 95825 up to 4 p.m., on August 15, 1972.

The list of lands available for further leasing for oil and gas in accordance with 43 CFR Subpart 3112 will not be posted on the required date of July 17, 1972, in the Riverside District and Land Office or the Sacramento Land Office. Lands which normally would have been posted on that date will be included with the August list which will be posted in the Sacramento Land Office on August 21, 1972.

KAY W. WILKES,
Acting State Director.

[FR Doc.72-10521 Filed 7-10-72;8:47 am]

Office of the Secretary

[DES 72-71]

BANDELIER POLLUTION ABATEMENT PROJECT, BANDELIER NATIONAL MONUMENT, N. MEX.

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for a proposed Bandelier Pollution Abatement Project, Bandelier National Monument, N. Mex.

The environmental statement considers rehabilitation of the existing sewage disposal system at Bandelier National Monument, counties of Sandoval and Los Alamos, N. Mex., to eliminate contamination of the Rio Grande River and to include a lift station, 5,200 feet of force main, and two sealed sewage lagoons totaling 0.9 acre.

Written comments on the environmental statement are invited and will be accepted for a period of thirty (30) days following publication of this notice. Comments should be addressed to the Superintendent, Bandelier National Monument (address given below).

Copies of the draft environmental statement are available from or for inspection at the following locations:

Southwest Regional Office, National Park Service, Old Santa Fe Trail, P.O. Box 728, Santa Fe, NM 87501.
Superintendent, Bandelier National Monument, Los Alamos, N. Mex. 87544.

Dated: June 29, 1972.

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

[FR Doc.72-10508 Filed 7-10-72;8:46 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

CHICAGO, ILL., GRAIN INSPECTION POINT

Termination as Official Inspection Agency

Correction

In F.R. Doc. 72-10009 appearing on page 12980 of the issue for Friday, June 30, 1972, the date in the last line of the first paragraph should be "June 30, 1972" instead of "July 30, 1972"; and the citation in the 14th line of the 6th paragraph should read "(7 CFR 1.27(b))" instead of "(7 CFR 1.28(b))".

Animal and Plant Health Inspection Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 391.1, the lists (37 F.R. 2795, 6143, 7723, 9047, and 10965) of establishments which are operated under Federal inspection pursuant to the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.), and which use humane methods of slaughter and incidental handling of livestock are hereby amended as indicated in the following table listing species at additional establishments that have been reported as being slaughtered and handled humanely.

ESTABLISHMENTS SLAUGHTERING HUMANELY

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equines
Dittman's Market	5671	(*)	(*)	(*)		(*)	
Verdigre Meat & Locker	5684	(*)	(*)	(*)		(*)	
Wausa Lockers	5686	(*)	(*)	(*)		(*)	
Schleswig Sausage, Inc	5813	(*)				(*)	
Plainfield Packing, Inc	8861	(*)	(*)	(*)	(*)	(*)	
Henning Locker Plant	8949	(*)				(*)	
Sebeka Locker	8992	(*)				(*)	
New establishments reported: 7.							

Done at Washington, D.C., on July 6, 1972.

KENNETH M. MCENROE,
Acting Associate Administrator,
Meat and Poultry Inspection Program.

[FR Doc.72-10586 Filed 7-10-72;8:53 am]

Office of the Secretary

MICHIGAN

Designation of Areas for Emergency Loans

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

COUNTIES

Allegan.	Newaygo.
Burrien.	Oceana.
Cass.	Ottawa.
Kent.	Van Buren.
Muskegon.	

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

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

Done at Washington, D.C., this 6th day of July 1972.

EARL L. BUTZ,
Secretary.

[FR Doc.72-10587 Filed 7-10-72;8:53 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 12301; Docket No. FDC-D-262; NDA No. 12-301]

CHLORDIAZEPOXIDE OR CHLORDIAZEPOXIDE HYDROCHLORIDE PREPARATIONS

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following tranquilizer drug for parenteral use:

Librium Injectable Sterile Powder containing chlordiazepoxide hydrochloride, marketed by Roche Laboratories, Division of Hoffmann-La Roche, Inc., 340 Kingsland Ave.; Nutley, New Jersey 07110 (NDA 12-301).

Although chlordiazepoxide tablets (Libritabs, NDA 13-071) and chlordiazepoxide hydrochloride capsules (Librium Capsules, NDA 12-249) were not submitted for Academy review, the Academy also evaluated the oral drug. Upon the basis of their comments and other available information, the Food and Drug Administration finds it appropriate to apply the conclusions described below to both the oral and parenteral forms of the drug.

The drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new-drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new-drug application is required from any person marketing such drugs without approval.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that:

1. Chlordiazepoxide or chlordiazepoxide hydrochloride preparations are effective for the relief of anxiety and tension; as an adjunct in the treatment of various disease states in which anxiety and tension are manifested; for withdrawal symptoms of mild alcoholism and for preoperative sedation.

2. These drugs are possibly effective for use in acute agitation, along or associated with organic disorders or psychoneurotic reactions; and as adjunctive therapy in some psychoses in which tension and anxiety are present.

3. These drugs lack substantial evidence of effectiveness in the treatment of chronic alcoholism other than for the relief of concomitant anxiety.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new-drug applications under conditions described herein.

1. *Form of drug.* Chlordiazepoxide preparations are in tablet form suitable for oral administration. Chlordiazepoxide hydrochloride preparations are in capsule form suitable for oral administration or in sterile powder form suitable for parenteral administration after reconstitution.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the Act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The "Indications" section is as follows:

INDICATIONS

This drug is indicated for the relief of anxiety and tension, withdrawal symptoms of mild alcoholism, preoperative sedation, and as an adjunct in the treatment of various disease states in which anxiety and tension are manifested.

(The possibly effective indications may also be included for 6 months.)

3. *Marketing status.* Marketing of such drugs may be continued under the conditions described in the notice entitled Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study, published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), as follows:

a. For holders of "deemed approved" new-drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling, an abbreviated supplement for updating information, and adequate data to show the biologic availability of the drug in the formulation which is marketed as described in paragraphs (a) (i), (ii), and (iii) of the notice of July 14, 1970. Clinical trials which have established effectiveness of the drug may also serve to establish the bioavailability of the drug if such trials were conducted on the currently marketed formulation.

b. For any person who does not hold an approved or effective new drug application, the submission of an abbreviated new drug application, to include adequate data to assure the biologic availability of the drug in the formulation which is or is intended to be marketed, as described in paragraph (a) (3) (ii) of that notice.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

d. For indications for which the drug has been classified as possibly effective (not included in the "Indications" section above), continued use as described in paragraphs (d), (e), and (f) of that notice.

C. *Opportunity for a hearing.* 1. The Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of all new drug applications and all amendments and supplements thereto providing for the indications for

which substantial evidence of effectiveness is lacking as described in paragraph A.3. of this announcement. An order withdrawing approval of the applications will not issue if such applications are supplemented, in accord with this notice, to delete such indication. Any related drug for human use, not the subject of an approved new drug application, offered for the indication for which substantial evidence of effectiveness is lacking may be affected by this action.

2. In accordance with the provisions of section 505 of the Act (21 U.S.C. 355), and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the holders of any such applications, and any interested person who would be adversely affected by such an order, an opportunity for a hearing to show why such indications should not be deleted from labeling. A request for a hearing must be filed within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

3. A request for a hearing may not rest upon mere allegations or denials but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing, together with a well organized and full factual analysis of the clinical and other investigational data that the objector is prepared to prove in a hearing. Any data submitted in response to this notice must be previously unsubmitted and include data from adequate and well controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

4. If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence.

A copy of the Academy's report has been furnished to the firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 12301, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Original abbreviated new drug applications (identify as such): Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

Request for Hearing (identify with Docket Number): Hearing Clerk, Office of General Counsel (GC-1), Room 6-88, Parklawn Building.

Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.

All other communications regarding this announcement:

Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

Received requests for a hearing may be seen in the Office of the Hearing Clerk(address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 29, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-10538 Filed 7-10-72;8:49 am]

[DESI 12595]

COLISTIN SULFATE FOR ORAL SUSPENSION

Drugs for Human Use; Drug Efficacy Study Implementation; Follow-Up Notice

In a notice (DESI 12595) published in the FEDERAL REGISTER of July 17, 1971 (36 F.R. 13284), the Commissioner of Food and Drugs announced his conclusions pursuant to evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Coly-Mycin S Oral Suspension containing colistin sulfate, marketed by Warner-Chilcott Laboratories, Division of Warner-Lambert Pharmaceutical Co., 201 Tabor Road, Morris Plains, N.J. 07950 (NDA 50-355).

The notice stated that the drug was regarded as probably effective and possibly effective for its various labeled indications.

Based upon further review and evaluation of additional studies, the Commissioner finds it appropriate to amend the announcement of July 17, 1971 by:

1. Changing the effectiveness classification of the probably effective indications to effective, and restating them as follows:

INDICATIONS

Diarrhea in infants and children, caused by susceptible strains of enteropathogenic E. coli.

Gastroenteritis due to Shigella organisms. Clinical response may vary, due to the absence of tissue levels in the bowel wall.

2. Reclassifying the possibly effective indications to lacking substantial evidence of effectiveness in that no new evidence of effectiveness has been received pursuant to the July 17, 1971 announcement.

Batches of such drugs with labeling bearing indications for which substantial evidence of effectiveness is lacking are no longer acceptable for certification or release.

Any person who will be adversely affected by the deletion from labeling of the indications for which the drug has been reclassified from possibly effective to lacking substantial evidence of effectiveness may, within 30 days after the date of publication of this notice in the FEDERAL REGISTER, petition for the issuance of a regulation providing for other certification of the drug for such indications. The petition must be supported by a full factual and well documented medical analysis which shows reasonable grounds for the issuance of such regulation.

A petition for issuance of said regulation should be filed (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463 as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 29, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-10539 Filed 7-10-72;8:49 am]

[DESI 11730; Docket No. FDC-D-440; NDA 11-730]

MEPERIDINE HYDROCHLORIDE AND PROMETHAZINE HYDROCHLORIDE FOR PARENTERAL USE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drug:

Mepergan Injection containing meperidine hydrochloride and promethazine hydrochloride; marketed by Wyeth Laboratories, Inc., Post Office Box 8299, Philadelphia, Pa. 19101 (NDA 11-730).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new drug application is required from any person marketing such drug without approval.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that:

1. The drug is effective as a preanesthetic medication and for use as an adjunct to local or general anesthesia.

2. The drug is possibly effective for the analgesic claims made for it, and for use as an antiemetic.

3. The drug lacks substantial evidence of effectiveness of amnesic action.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve new drug applications and supplements to pre-

viously approved new drug applications under conditions described herein.

1. *Form of drug.* Meperidine hydrochloride and promethazine hydrochloride preparations are in solution form suitable for parenteral administration.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the Act and regulations. The labeling bears adequate information for safe and effective use of the drug and is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970 (35 F.R. 2656), and where applicable, the Academy's comments. The "Indications" section is as follows:

INDICATIONS

Preanesthetic medication.
As an adjunct to local or general anesthesia.

(The possibly effective indications may also be included for 6 months.)

3. *Marketing status.* Marketing of such drugs may be continued under the conditions described in the notice entitled Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study, published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), as follows:

a. For holders of "deemed approved" new drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling, a supplement for updating information, and adequate data to assure the biologic availability of the drug in the formulation which is marketed as described in paragraphs (a)(1) (i), (ii), and (iii) of the notice of July 14, 1970. Clinical trials which have established effectiveness of the drug may serve also to establish the bioavailability of the drug if such trials were conducted on the currently marketed formulation.

b. For any person who does not hold an approved or effective new drug application, the submission of a full new drug application, including adequate data to show the biologic availability of the drug in the formulation which is or is intended to be marketed, as described in paragraph (a)(3)(iii) of that notice.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

d. For indications for which the drug has been classified as possibly effective (not included in the "Indications" section above), continued use as described in paragraphs (d), (e), and (f) of that notice.

C. *Opportunity for a hearing.* 1. The Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of all new-drug applications and all amendments and supplements thereto providing for the indications for which substantial evidence of effectiveness is lacking as described in paragraph A. 3 of this announcement. An order withdrawing approval of the applications will not issue if such applications are supplemented, in accord with this notice, to delete such indications. Any related drug for human use, not the subject of an approved new drug application, offered for the indications for which substantial evidence of effectiveness is lacking may be affected by this action.

2. In accordance with the provisions of section 505 of the Act (21 U.S.C. 355), and the regulations promulgated thereunder 21 CFR Part 130), the Commissioner will give the holders of any such applications, and any interested person who would be adversely affected by such an order, an opportunity for a hearing to show why such indications should not be deleted from labeling. A request for a hearing must be filed within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

3. A request for a hearing may not rest upon mere allegations or denials but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing, together with a well organized and full factual analysis of the clinical and other investigational data that the objector is prepared to prove in a hearing. Any data submitted in response to this notice must be previously unsubmitted and include data from adequate and well controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

4. If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence.

A copy of the Academy's report has been furnished to the firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 11730, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.
Original new drug applications: Office of Scientific Evaluation (BD-100), Bureau of Drugs.
Request for Hearing (identify with Docket Number): Hearing Clerk, Office of General Counsel (GC-1), Room 6-88, Parklawn Building.
Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

Received requests for a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 28, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-10537 Filed 7-10-72;8:49 am]

[DESI 366]

PARENTERAL BRONCHODILATORS

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following parenteral bronchodilators:

1. Caytine Injection, containing protokylol hydrochloride; Lakeside Laboratories, Division of Colgate-Palmolive Co., 1707 East North Avenue, Milwaukee, Wis. 53203 (NDA 11-469).

2. Sus-Phrine Suspension, containing epinephrine; Cooper Laboratories, Inc., 546 Bedford Road, Bedford Hills, N.Y. 10507 (NDA 7-942).

3. Adrenalin in Oil for injection, containing ephinphrine; Parke, Davis & Co., Joseph Campau at the River, Detroit, Mich. 48232 (NDA 0-366).

4. Epinephrine Suspension; Endo Laboratories, Inc., 1000 Stewart Avenue, Garden City, N.Y. 11533 (NDA 1-225).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and conclude that:

1. Protokylol hydrochloride for injection is probably effective for the symptomatic relief of acute and chronic bronchial asthma and for bronchospasm associated with emphysema, chronic bronchitis, and bronchiectasis.

2. Epinephrine suspension parenteral is probably effective for the treatment of branchial asthma; urticaria; angioedema; and hay fever. In the case of the oil suspension, a question of safety as well as efficacy is involved.

3. Protokylol hydrochloride for injection lacks substantial evidence of effectiveness for use in the treatment of pulmonary fibrosis.

B. *Marketing status.* 1. Within 60 days of the date of publication of this announcement in the FEDERAL REGISTER, the holder of any previously approved new drug application for a drug which is classified in paragraph A above as

lacking substantial evidence of effectiveness is requested to submit a supplement to his application, as needed, to provide for revised labeling which deletes those indications for which substantial evidence of effectiveness is lacking and which contains an Indications section in accord with that described below. Such supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new drug regulations (21 CFR 130.9 (d) and (e)) which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period. Failure to do so may result in a proposal to withdraw approval of the new drug application.

2. If any such preparation is on the market without an approved new drug application, its labeling should be revised to delete all claims for which substantial evidence of effectiveness is lacking as described in paragraph A. above and to be in accord with this notice. Failure to delete such indications and to put the revised labeling into use within 60 days after the date of publication hereof in the FEDERAL REGISTER may cause the drug to be subject to regulatory proceedings.

3. Labeling revised pursuant to this notice should take into account the comments of the Academy; furnish adequate information for safe and effective use of the drug; and recommend use of the drug (for the probably effective indications) as follows:

INDICATIONS

PROTOKYLOL HYDROCHLORIDE FOR INJECTION

For the symptomatic relief of acute and chronic bronchial asthma; and for bronchospasm associated with emphysema, chronic bronchitis, and bronchiectasis.

EPINEPHRINE SUSPENSION PARENTERAL

For the symptomatic treatment of bronchial asthma; urticaria; angio-edema; and hay fever.

4. The notice Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study, published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), describes in paragraphs (c), (e), and (f) the marketing status of the drug labeled with those indications for which it is regarded as probably effective. For epinephrine suspension parenteral it is recommended that applicants discuss with the administration the kinds of clinical studies needed.

A copy of the Academy's report has been furnished to each firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 366, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.
Original new drug applications: Office of Scientific Evaluation (BD-100), Bureau of Drugs.
Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 28, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-10534 Filed 7-10-72;8:49 am]

[DESI 6403]

CERTAIN PERIPHERAL VASODILATORS

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following peripheral vasodilator drugs:

1. Priscoline Hydrochloride Tablets and Injection, each containing tolazoline hydrochloride; Ciba Pharmaceutical Co., Division Ciba-Geigy Corp., 556 Morris Avenue, Summit, N.J. 07901 (NDA 6-403).

2. Priscoline Hydrochloride Lontabs, sustained release tablets containing tolazoline hydrochloride; Ciba Pharmaceutical Co. (NDA 11-770).

3. Vasodilan Injection and Tablets, each containing isoxsuprine hydrochloride; Mead Johnson Laboratories, Division of Mead Johnson & Co., 2404 Pennsylvania Street, Evansville, Ind. 47721 (NDA 11-832).

4. Arlidin Solution for Injection containing nylidrin hydrochloride; USV Pharmaceutical Corp., 1 Scarsdale Road, Tuckahoe, N.Y. 10707 (NDA 9-813).

5. Ilidar Tablets containing azapetine phosphate; Roche Laboratories, Division of Hoffmann-La Roche Inc., 340 Kingsland Road, Nutley, N.J. 07110 (NDA 9-225).

6. Dibenzyline Capsules containing phenoxybenzamine hydrochloride; Smith Kline & French Laboratories, 1500 Spring Garden Street, Phialdelphia, Pa. 19101 (NDA 8-708).

These drugs are regarded as new drugs. The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy reports, as well as other available evidence, and concludes that:

1. Tolazoline hydrocloride lacks substantial evidence of effectiveness for spastic peripheral vascular disorders which may be associated with cerebrovascular accidents and with ulcers.

2. Nylidrin hydrochloride lacks substantial evidence of effectiveness for the treatment of cerebrovascular disorders such as cerebral arteriosclerosis; relief of pain, ache, spasm, intermittent claudication, paresthesias, numbness, coldness, increased walking ability, promotion of healing of trophic ulcers associated with livedo reticularis; all forms of peripheral vascular disease; and increasing blood flow in the brain and eye, with clinical application in cerebral arteriosclerosis and other ischemic disturbances of the brain and eye.

3. Isoxsuprine hydrochloride lacks substantial evidence of effectiveness as a cerebral vasodilator in the management of hypertensive and arteriosclerotic cerebral vascular disease, as a uterine relaxant in the management of dysmenorrhea and uterine spasm, for the symptomatic relief of vascular insufficiency associated with peripheral vascular disease, post-phlebitic conditions, acroparesthesia, frostbite syndrome, ulcers of the extremities, as a peripheral vasodilator in the management of diabetic arteriosclerosis, diabetic vascular disease, for arterial thromboembolic occlusion, and for use in premature labor.

4. All these drugs, tolazoline hydrochloride, isoxsuprine hydrochloride, nylidrin hydrochloride, azapetine phosphate, and phenoxybenzamine hydrochloride, are regarded as possibly effective for their labeled indications other than those described above.

B. *Marketing status.* 1. Within 60 days of the date of publication of this announcement in the FEDERAL REGISTER, the holder of any approved new drug application for a drug classified in paragraph A above as lacking substantial evidence of effectiveness is requested to submit a supplement to his application, as needed, to provide for revised labeling which deletes those indications for which substantial evidence of effectiveness is lacking. Such a supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new drug regulations (21 CFR 130.9 (d) and (e)) which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period. Failure to do so may result in a proposal to withdraw approval of the new drug application.

2. If any such preparation is on the market without an approved new drug application, its labeling should be revised if it includes those claims for which substantial evidence of effectiveness is lacking as described in paragraph A above. Failure to delete such indications and put the revised labeling into use within 60 days after the date of publication hereof in the FEDERAL REGISTER may cause the drug to be subject to regulatory proceedings.

3. The notice Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study, published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), describes in paragraphs (d), (e), and

(f) the marketing status of a drug labeled with those indications for which it is regarded as possibly effective.

A copy of the Academy's report has been furnished to each firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 6403, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.
Original New Drug Applications: Office of Scientific Evaluation (BD-100), Bureau of Drugs.
Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 28, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-10535 Filed 7-10-72;8:49 am]

[DESI 9414]

CERTAIN STEROID COMBINATION PREPARATIONS FOR ORAL USE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs:

A. *Prednisone in combination with other active components.* 1. Co-Deltra Tablets containing 2.5 mg. or 5.0 mg. prednisone, magnesium trisilicate and dried aluminum hydroxide gel; Merck, Sharp, & Dohme, Division Merck and Co., Inc., West Point, Pa. 19486 (NDA 10-371).

2. Predsem Tablets containing prednisone, calcium pantothenate, dried aluminum hydroxide gel and magnesium trisilicate; The S.E. Massengill Co., 527 Fifth Street, Brisol, Tenn. 37620 (NDA 11-022).

B. *Prednisolone in combination with other active components.* 1. Ataraxoid Tablets containing 2.5 mg. or 5.0 mg. prednisolone and hydroxyzine hydrochloride; Chas. Pfizer and Co., Inc., 235 East 42d Street, New York, N.Y. 10017 (NDA 10-636).

2. Cordex Tablets and Cordex-Forte Tablets containing prednisolone and aspirin (NDA 10-185); and

3. Cordex (Buffered) Tablets and Cordex-Forte (Buffered) Tablets containing prednisolone, aspirin and calcium carbonate (NDA 10-185); The Upjohn Co., 7171 Portage Road, Kalamazoo, Mich. 49002.

4. Co-Hydeltra Tablets containing 2.5 mg. or 5.0 mg. prednisolone, magnesium trisilicate and dried aluminum hydroxide gel; Merck Sharp & Dohme (NDA 10-372).

5. Deltacortril-APC Tablets containing prednisolone, aspirin, phenacetin and caffeine; Chas. Pfizer and Co., Inc. (NDA 10-774).

C. *Methylprednisolone in combination with other active components.* 1, Medaprin Tablets and Medadent Tablets containing methylprednisolone, aspirin and calcium carbonate (NDA 11-632); and

2. Cordex Improved Tablets and Cordex-Forte Improved Tablets containing methylprednisolone and aspirin (NDA 11-455); The Upjohn Co.

D. *Dexamethasone in combination with other active components.* 1. Decagesic Tablets containing dexamethasone, aspirin and dried aluminum hydroxide gel; Merck Sharp & Dohme (NDA 12-187).

2. Delenar Tablets containing dexamethasone, orphenadrine hydrochloride and aluminum aspirin; Schering Corp., 1011 Morris A venue, Union, N.J. 07083 (NDA 12-092).

3. Dronactin Tablets containing dexamethasone and cyproheptadine hydrochloride, Merck Sharp & Dohme (NDA 13-084).

E. *Cortison acetate in combination with other active components.* 1. Salcort Tablets containing cortisone acetate, sodium salicylate, dried aluminum hydroxide gel, calcium ascorbate and calcium carbonate; The S. E. Massengill Co. (NDA 9-414).

Notices published in the FEDERAL REGISTER of August 4, 1971 (36 F.R. 14342), and February 8, 1972 (37 F.R. 2851), withdrew approval of NDA 11-022 Predsem Tablets and NDA 10-372 Co-Hydeltra Tablets, respectively, on the grounds that the applicants had failed to make reports under section 505(j) of the act (21 U.S.C. 355(j)) and § 130.13 or § 130.35 (e) and (f) of the new-drug regulations (21 CFR 130.13 and 130.35).

The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that there is a lack of substantial evidence, within the meaning of the Federal Food, Drug, and Cosmetic Act, that these fixed combination drugs will have the effects that they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling and that each component of such drugs contributes to the total effects claimed.

Accordingly, except for those applications for which approval has already been withdrawn (NDA 11-022; NDA 10-372), the Commissioner of Food and Drugs intends to initiate proceedings to withdraw approval of the above-listed new-drug applications. Any related drug for human use, not the subject of an approved new-drug application, may be affected by this action.

Prior to initiating such action, however, the Commissioner invites the holders of the new-drug applications for these drugs and any interested person who might be adversely affected by their removal from the market, to submit pertinent data bearing on the proposal within 30 days after publication hereof in the FEDERAL REGISTER. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well organized, and include data from adequate and well controlled clinical investigations (identified for ready review) as described in section 130.12(a)(5) of the regulations published as a final order in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

A copy of the Academy's report has been furnished to each firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 9414, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 30, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-10536 Filed 7-10-72;8:49 am]

[Docket No. FDC-D-379;NDA's 4-687, etc.]

MERCK, SHARP & DOHME AND SCHERING CORP.

Poorly Absorbed Sulfonamides for Oral or Rectal Use, Notice of Opportunity for Hearing on Proposal to Withdraw Approval of New-Drug Applications

In the FEDERAL REGISTER of September 19, 1970 (35 F.R. 14666), the Food and Drug Administration announced (DESI 5803) its conclusions pursuant to evaluation by the National Academy of Sciences-National Research Council, Drug Efficacy Study Group concerning the following drugs:

1. Cremothalidine (phthalylsulfathiazole) Suspension and Sulfathalidine (phthalylsulfathiazole) Tablets (NDA 5-803); Merck, Sharp & Dohme, Division of Merck and Co., Inc., West Point, Pa. 19486.

2. Sulfasuxidine (succinylsulfathiazole) Tablets and Powder (NDA 4-687); Merck, Sharp & Dohme.

3. Thalamyd (phthalylsulfacetamide) Tablets and Phthalylsulfacetamide Sodium Powder [1] (NDA 6-593); Schering Corp., 60 Orange Street, Bloomfield, N.J. 07003.

The announcement stated that the drugs lacked substantial evidence of effectiveness for ileitis and were regarded as possibly effective for their other indications. Six months were allowed for obtaining and submitting substantial evidence of effectiveness for the possibly effective indications. In that such evidence has not been received the drugs have been reclassified as lacking substantial evidence of effectiveness for all of their labeled indications.

Therefore, notice is given to Merck, Sharp & Dohme and to Schering Corp. and to any interested person who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the above-named new-drug applications (with respect to NDA 4-687, only that portion providing for Sulfasuxidine Tablets and Powder), and all amendments and supplements applying thereto, on the grounds that new information before the Commissioner with respect to the drugs, evaluated together with the evidence available to him when the applications were approved, shows there is a lack of substantial evidence that the drugs will have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicants, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing to show why approval of the new-drug applications should not be withdrawn.

Within 30 days after publication hereof in the FEDERAL REGISTER such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

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

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

If such persons elect not to avail themselves of the opportunity for a hearing the Commissioner without further notice will enter a final order withdrawing approval of the new-drug applications. Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

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

If such persons elect to avail themselves of the opportunity for a hearing they must file, within 30 days after publication of this notice in the FEDERAL REGISTER, a written appearance requesting the hearing, giving the reasons why approval of the new-drug application should not be withdrawn, together with a well-organized and full factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order on these data, making findings and conclusions on such data.

If a hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence (35 F.R. 7250, May 8, 1970; 35 F.R. 16631, October 27, 1970).

Received requests for a hearing and/or elections not to request a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended: 21 U.S.C. 355) and under the authority delegated to the Commissioner (21 CFR 2.120).

Dated: June 29, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-10540 Filed 7-10-72;8:49 am]

[1] Powder not reviewed by Academy.

Office of the Secretary

PUBLIC HEALTH SERVICE AND FOOD AND DRUG ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 6 (Food and Drug Administration) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare (35 F.R. 3685-92, dated February 25, 1970) is amended to reflect the deletion of paragraph (i) Office of the Assistant Commissioner for Program Coordination; the revision of paragraph (f) Office of the Assistant Commissioner for Administration, paragraph (f-2) Division of General Services, and paragraph (f-3) Division of Management Systems; and the establishment of an ADP Systems Policy and Operations Center, paragraph (f-5). These changes result from the disestablishment of the Office of the Assistant Commissioner for Program Coordination.

Section 6B is amended as follows:

SEC. 6B *Organization.* * * *

(f) *Office of the Assistant Commissioner for Administration.* Serves as principal advisor to the Commissioner on all phases of management inherent in the operations of FDA.

Responsible for the effective utilization of all management resources and the implementation of operating programs by coordinating the funding, manpower, facilities, and equipment needs of the Agency.

Provides leadership and direction to administrative management including budget, finance, personnel, organization, methods, procurement and property, records, and similar supporting activities.

Assures that conduct of these efforts effectively supports program operations.

Develops policy and procedures necessary to maintain the integrity of trade secrets and other privileged information submitted by industry to FDA; formulates Agency-wide security policy and investigates and recommends action concerning security problems.

Develops data systems policy and procedures necessary to coordinate all FDA information and data retrieval systems and ADP equipment; operates FDA's central computer facility; and provides systems analysis and programing services.

* * * * *

(f-2) *Division of General Services.* Provides leadership and guidance to headquarters staff officers, headquarters operating activities, and District offices for all general services programs, including procurement, contracts, administrative aspects of grants and fellowships, personal property management and accountability, real property management, space management and utilization, construction and engineering services, communications, printing and reproduction, and mails and files.

Responsible for maintaining effective liaison with the Government Printing Office, and for the centralized clearance and coordination of all printing and publication services.

Coordinates the development of Agency-wide policies and procedures for such services and plans; executes, evaluates, and adjusts efforts in these activities.

(f-3) *Division of Management Systems.* Provides assistance in organization and operations analysis; planning and evaluation; effective and economical use of resources; and analysis, design, and maintenance of operating systems and procedures.

Conducts organization studies and provides advisory services on organization matters.

Conducts management surveys and analytical studies of FDA administrative and program operations.

Develops and conducts management programs in directives management, reports and forms management, records and correspondence management, and other management areas as assigned.

* * * * *

(f-5) *ADP Systems Policy and Operations Center.* Develops data systems policy and procedures necessary to coordinate all FDA scientific and administrative information and data retrieval systems.

Designs, develops, and reviews systems for automatic data processing and other forms of data automation.

Issues FDA policy guidance, standards, and other issuances for ADP activities.

Operates and manages FDA's computer facility.

Provides technical guidance in the acquisition of new ADP techniques and hardware; and reviews all contracts and interagency agreements with APD implications.

Develops and coordinates the preparation of the annual FDA Automatic Data Processing Plan, which is submitted to the Department; acts as focal point for central administrative review of Agency's ADP activities, such as planning, personnel actions, budget requirements, and equipment utilization. Reviews and approves all ADP feasibility studies prior to their design and development.

Maintains liaison and develops cooperative relations with counterparts in other Government agencies on ADP matters.

* * * * *

Approved: July 3, 1972.

WAYNE M. WILSON,
Acting Deputy Assistant Secretary for Management.

[FR Doc.72-10531 Filed 7-10-72;8:48 am]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

SPECIAL PERMITS ISSUED OR DENIED

JULY 5, 1972.

Pursuant to Docket No. HM-1, rule-making procedures of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 F.R. 8277) 49 CFR Part 170, following is a list of new DOT special permits upon which Board action was completed during June 1972:

Special permit No.	Issued to—Subject	Mode or modes of transportation
6615	Shippers registered with this Board to ship large quantities of fissile radioactive materials, n.o.s., in packaging identified as the International Company's Model FL-10-1.	Rail.
6626	Airco, Inc., New York, N.Y., to ship certain compressed gases in accordance with 49 CFR 173. 34(e)(15)(ii) further provided that cylinders may be over 35 years old.	Highway, Rail, Cargo-only Aircraft, Passenger-Carrying Aircraft, Water.
6632	Shippers registered with this Board to ship dry dichloroisocyanuric acid and dry trichloroisocyanuric acid in granular and compressed forms, in 6-gallon capacity, single-trip, molded polyethylene "Saturn 6" containers.	Highway, Rail.
6633	Chandler Evans, Inc., West Hartford, Conn., to ship nitrogen in non-DOT specification toroid pressure vessels (non-refillable) manufactured in compliance with DOT Specification 39 with certain exceptions.	Highway, Rail, Cargo-only Aircraft.
6634	U.S. Department of Defense, Washington, D.C. to ship rocket motors, Class B explosives, equipped with a high pressure pneumatic accumulator charged with nitrogen.	Highway, Rail.
6635	Chemagro, Kansas City, Mo., to ship organic phosphate compound mixtures, dry, n.o.s., not exceeding 16.5% active ingredient, in non-DOT specification polyester fabric bags, not exceeding 35 cubic feet capacity.	Highway.
6636	Pennwalt Corporation, Philadelphia, Pa., to ship 70% strength hydrofluoric acid in DOT Specification 111A100W-4 or 111A100W-5 tank cars.	Rail.
6645	Midwest Ammonia Corporation, Chicago, Ill., to ship sulfur dioxide in DOT Specification 4AA480 welded steel cylinders.	Highway.
6648	General Electric Company, Schenectady, N.Y., to make two shipments of fissile radioactive material in the L-10 or NFS-10 LI package.	Highway.

Following is a list of requests for special permits which were denied during June 1972:

Denied—Subject

1. Request by Exotic Metal Fabricators Co., Seattle, Wash., for a special permit to authorize shipments of liquefied carbon dioxide in non-DOT Specification stainless steel cylinders.

ALAN I. ROBERTS,
Secretary.

[FR Doc.72-10550 Filed 7-10-72;8:50 am]

CIVIL AERONAUTICS BOARD

[Docket No. 18060, etc.]

AIRLIFT INTERNATIONAL AIRLINES, INC.

Renewal and Amendment of Certificates; Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held before the Board on August 9, 1972, at 10 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC.

Dated at Washington, D.C., July 5, 1972.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.72-10590 Filed 7-10-72;8:53 am]

[Docket No. 24436]

BAHAMAS WORLD AIRLINES LTD.

Notice of Postponement of Hearing

Notice is hereby given that the hearing in the above-entitled proceeding has been postponed from July 12, 1972 (37 F.R. 12741, June 28, 1972), to August 1, 1972, at 10 a.m. (e.d.s.t.), in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, DC.

Dated at Washington, D.C., July 5, 1972.

[SEAL] THOMAS P. SHEEHAN,
Hearing Examiner.

[FR Doc.72-10591 Filed 7-10-72;8:53 am]

[Docket No. 23827, etc.]

BAKER, OREGON; ONTARIO, OREGON/PAYETTE, IDAHO; ROSEBURG, OREGON DELETION CASE

Notice of Hearings

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that hearings in the above-entitled proceeding are assigned to be held before the undersigned examiner on August 2, 1972, at 10 a.m. (local time), in the City Council Chambers, City Hall, Baker, Oreg., and on August 8, 1972, at 10 a.m. (local time), in the City Council Chambers, Municipal Building, Roseburg, Oreg.

Dated at Washington, D.C., July 5, 1972.

[SEAL] JOHN E. FAULK,
Hearing Examiner.

[FR Doc.72-10592 Filed 7-10-72;8:53 am]

[Docket No. 22388]

EXPRESS SERVICE INVESTIGATION

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held before the Board on August 16, 1972, at 10 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC.

Dated at Washington, D.C., July 5, 1972.

[SEAL] RALPH L. WISER, *Chief Examiner.*

[FR Doc.72-10593 Filed 7-10-72;8:53 am]

[Docket No. 21670]

FRONTIER AIRLINES, INC.

Subsidy Mail Rate; "Other Revenue" Issue; Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held before the Board on August 2, 1972, at 10 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC.

Dated at Washington, D.C., July 5, 1972.

[SEAL] RALPH L. WISER, *Chief Examiner.*

[FR Doc.72-10594 Filed 7-10-72;8:53 am]

[Docket No. 23976]

AERLINTE EIREANN TEORANTA

New York Deletion; Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held before the Board on July 19, 1972, at 10 a.m. (local time), in room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC.

Dated at Washington, D.C., July 3, 1972.

[SEAL] RALPH L. WISER, *Chief Examiner.*

[FR Doc.72-10506 Filed 7-10-72;8:46 am]

[Docket No. 24130 etc.]

TEXAS INTERNATIONAL AIRLINES, INC., AND JET CAPITAL CORP.

Acquisition of Control; Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held before the Board on July 21, 1972, at 10 a.m., local time, in room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC.

Dated at Washington, D.C., July 3, 1972.

[SEAL] RALPH L. WISER, *Chief Examiner.*

[FR Doc.72-10507 Filed 7-10-72;8:46 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN BRITISH HONDURAS

Entry or Withdrawal From Warehouse For Consumption

JULY 5, 1972.

On June 29, 1972, 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, and extended through September 30, 1973, requested the Government of British Honduras to enter into consultations concerning exports to the United States of cotton textile products in Category 63 produced or manufactured in British Honduras. In that request the U.S. Government stated its view that exports in this category from British Honduras should be restrained for the 12-month period begining June 29, 1972, and extending through June 28, 1973.

Notice is hereby given that under the provisions of Articles 3 and 6(c) of the Long-Term Arrangement, if no solution is mutually agreed upon by the two governments within sixty (60) days of the date of delivery of the aforementioned note, entry and withdrawal from warehouse for consumption of cotton textile products in Category 63 produced or manufactured in British Honduras and exported from British Honduras on and after the date of delivery of such note may be restrained.

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements and Deputy Assistant Secretary for Resources.

[FR Doc.72-10612 Filed 7-7-72;12:40 pm]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Public Availability

Environmental impact statements received by the Council on Environmental Quality, June 26 to June 30, 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.

FOREST SERVICE

Draft, June 21

Crystal Lake Planning Unit, Montana, county: Fergus. The statement is concerned with implementation of a revised multiple use plan for the Crystal Lake Planning Unit, in the Lewis and Clark National Forest. About 10,300 acres of national forest lands are involved. There will be adverse impacts to soil and water quality and esthetic values. The inroad of humans may adversely affect the mountain goal. (33 pages) (ELR Order No. 04753) (NTIS Order No. EIS 72 4753D)

CONSERVATION SERVICE

Draft, June 26

Lost Creek Watershed Project, Missouri, county: Newton. The statement considers the use of land conservation land treatment measures and the construction of seven flood structures and one multipurpose dam, in order to provide floodwater protection for 1,877 acres. A stream and 1,044 acres of land, much of it wildlife land will be lost to the project. (21 pages) 0104770 A (ELR Order No. 04769) (NTIS Order No. EIS 72 4769F)

ATOMIC ENERGY COMMISSION

Contact: For nonregulatory matters: Mr. Robert J. Catlin, Director, Division of Environmental Affairs, Washington, D.C. 20545, 202—973-5391.

For regulatory matters: Mr. A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing, Washington, D.C. 20545, 202-973-7373.

Draft, June 28

Loss of Fluid Test Facility (LOFT), Idaho, counties: Several. The statement refers to the use of LOFT (a pressurized water plant and related facilities), in order to study reactor system responses to, and consequences of, postulated reactor accidents such as gross failure of the cooling system integrity resulting in the loss of cooling fluid from the reactor. LOFT is designed to develop the knowledge and techniques required to minimize such accidents in large commercial power plants. No adverse environmental impact is anticipated. (88 pages) (ELR Order No. 04789) (NTIS Order No. EIS 72 4789D)

Draft, June 26

Three Mile Island Nuclear Station, Pennsylvania, county: Dauphin. The statement refers to the proposed continuation of construction permits and the issuance of operating licenses to the Metropolitan Edison Co., the Jersey Central Power and Light Co., and the Pennsylvania Electric Co. for the two-unit plant. Unit 1 has a capacity of 2,535 MWt to produce 871 MWe; Unit 2 is of 2,772 MWt and 959 MWe. Each Unit employs a pressurized water reactor. Approximately 36,000 g.p.m. of Susquehanna River water will be utilized for cooling (through four natural draft towers), and discharged at 30° F. above ambient. (144 pages) (ELR Order No. 04772) (NTIS Order No. EIS 72 4772D)

Final, June 26

Joseph M. Farley Nuclear Plant, Alabama, county: Houston. The statement refers to the proposed issuance of a permit to the Alabama Power Co. for the construction of Units 1 and 2. Each unit will have a capacity of 2,660 MWt to produce 861 MWe; "stretch" outputs would be 2,774 MWt and 898 MWe. The system would be cooled through the use of mechanical-draft towers, with water being taken from, and discharged to the Chattahoochee River. An estimated 20 curies of radioactive material per year will be released liquid effluents, along with 1,000 curies of tritium; 100,000 curies per year of gaseous radioactivity will be released. Approximately 5,300 acres of land will be taken for transmission line right-of-way. (282 pages) Comments made by: USDA, DOC, COE, EPA, FPC, DOI, and DOT. (ELR Order No. 04773) (NTIS Order No. EIS 72 4773F)

Final, June 29

Palisades Nuclear Plant, Michigan; county: Van Buren. The statement considers the issuance of an operating license to the Consumer Power Co. for full power operation of the plant, which has been operating at 60 percent capacity since March 1972. The plant uses a pressurized water reactor to produce 2,200 MWt and 715 MWe. Until January 1, 1974, a once through cooling system will be utilized which will draw 405,000 g.p.m. from Lake Michigan, and return it at 25° F. above ambient, with resulting adverse effects upon aquatic life. After that time, mechanical draft cooling towers will be used to reduce the thermal load on the lake. (470 pages) Comments made by: USDA, DOC, COE, EPA, FPC, HEW, DOI, and DOT. (ELR Order No. 04806) (NTIS Order No. EIS 72 4806F)

DEPARTMENT OF DEFENSE

ARMY

Contact: Mr. George A. Cunney, Jr., Acting Chief, Environmental Office, Directorate of Installations, Office of the Deputy Chief of Staff for Logistics, Washington, D.C. 20310, 202—694-4269.

Draft, June 28

Fort DeRussy, Hawaii, county: Oahu. The statement considers the construction of a 15-story Armed Forces Recreation Center at Fort DeRussy. The new facility will have significant impact upon local traffic and parking in Waikiki. (24 pages) (ELR Order No. 04786) (NTIS Order No. EIS 72 4786D)

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 27

Noyo River and Harbor, Calif., county: Mendocino. The statement refers to the maintenance dredging of the harbor; 50,000 cubic yards of material will be dredged and dumped offshore. Temporary turbidity will damage marine ecosystems. (19 pages) (ELR Order No. 04781) (NTIS Order No. EIS 72 4787D)

Draft, June 29

Island levee, Indiana, county: Sullivan. The statement considers the reconstruction of 9.3 miles of levee on the Wabash River, for the purpose of flood control. Approximately 300 acres of agricultural land and wildlife habitat will be required for the project. (26 pages) (ELR Order No. 04805) (NTIS Order No. EIS 72 4805D)

Draft, June 27

New Bedford Barrier, Massachusetts. The proposed project involves the operation and maintenance of the main harbor barrier and dike in order to protect residential and commercial areas from tidal flooding. (28 pages) (ELR Order No. 04782) (NTIS Order No. EIS 72 4782D)

Draft, June 28

Big Creek, Ohio. The statement refers to the construction of channel works on 4,600 feet of the creek, as well as 800 feet of levee. The purpose of the action is the reduction of flood potential at the Cleveland Zoological Park. The constructed works will produce an aesthetically unpleasant channel. (29 pages) (ELR Order No. 04787) (NTIS Order No. EIS 72 4787D)

Cuyahoga River, Ohio. The project involves the construction of two canoe launching ramps and docking facilities at two park sites on the river, and the opening of a 5-mile canoe trail. Increased congestion and an increase in litter are expected as results of the action. (6 pages) (ELR Order No. 04793) (NTIS Order No. EIS 72 4793D)

Ohio Canal Diversion Dam, Ohio. The project involves the dredging of sediment deposits from behind the Ohio Canal Diversion Dam, on the Cuyahoga River. Spoil will be deposited on a ¾-acre diked site nearby. (12 pages) (ELR Order No. 04795) (NTIS Order No. EIS 72 4795D)

Days Creek Lake, Oreg., county: Douglas. The statement refers to the proposed construction of a rockfill dam and a 480,000 acre-foot reservoir, on the South Umpqua River, for flood control and recreational purposes. The project would inundate 4,720 acres of land and 30 miles of free flowing stream, adversely affecting fish spawning and rearing grounds. An annual timber production of 215,000 board feet would be lost. Displacements would include 24 farmsteads, 80 residences, seven businesses, one church, two schools, and supporting utilities. (197 pages) (ELR Order No. 04788) (NTIS Order No. EIS 72 4788D)

Final, June 21

Penn's Landing, Pa. The statement refers to the Penn's Landing development site, a waterfront rehabilitation project in downtown Philadelphia. A section of waterfront would be filled in, with offices, apartments, and other buildings being constructed on the site. The proposed action is a request that Congress (by means of H.R. 2450 and S. 1971) declare the Delaware to be nonnavigable at Penn's Landing. Doing so would require the demolition of useable piers along the waterfront; siltation and some pollution of the river will result. (72 pages) Comments made by: EPA, HEW, HUD, DOI, and DOT. (ELR Order No. 04747) (NTIS Order No. EIS 72 4747F)

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Contact: Mr. Robert Lanza, Office of the Assistant Secretary for Health and Scientific Affairs, Room 4062 HEWN, Washington, D.C. 20202, 202—962-2241.

Final, June 28

Walla Walla Community College, Washington. The statement considers the construction of a new community college on an 86-acre site. First phase capacity will be 1,200 students; a capacity of 3,000 is expected by the year 2000. The site contains two small ponds which may be adversely affected. (65 pages) Comments made by: USDA, DOC, HUD, COE, OEO, and DOT. (ELR Order No. 04812) (NTIS Order No. EIS 72 4812F)

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 26

Armand Bayou, city of Pasadena, Tex., county: Harris. The statement refers to the acquisition of 956 acres, to be preserved as a conservation or wilderness-ecology park, under HUD's Open Space Land Program. Preserving the bayou in its present state may make draining of flood waters from upstream more difficult and/or expensive. (79 pages) Comments made by: USDA, COE, DOC, EPA, HEW, and DOI. (ELR Order No. 04771) (NTIS Order No. EIS 72 4771F)

Neighborhood Development Program, Washington, D.C. The statement, which refers to modified plans for the Downtown Urban Renewal Area, was received by the Council on Environmental Quality on May 9, 1972 and was published in the May 23 edition of the FEDERAL REGISTER. The commenting period for the statement has been extended to July 17.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Contact: Mr. Ralph E. Cushman, Special Assistant, Office of Administration, NASA, Washington, D.C. 20546, 202—962-8107.

Final, June 26

Wallops Station, Va., county: Accomack. The statement refers to the operation of Wallops Station, a research facility of NASA. Environmental impact results from waste disposal and the expenditure of rocket motor fuels. (12 pages) Comments made by: EPA. (ELR Order No. 04766) (NTIS Order No. EIS 72 4766F)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 Seventh Street SW., Washington, DC 20590, 202—426-4355.

FEDERAL AVIATION AGENCY

Draft, June 23

Lambert-St. Louis International Airport, Mo., county: St. Louis. The statement considers the acquisition of 26 acres in the city of Berkeley, in order to level structures and provide an enlarged approach zone for the airport. Displacements will include 76 single-family residences. (15 pages) (ELR Order No. 04755) (NTIS Order No. EIS 72 4755D)

FEDERAL HIGHWAY ADMINISTRATION

Draft, June 28

U.S. 319, Florida, county: Leon. The project involves the reconstruction of 1.8 miles of highway, from two to four lanes. Displacements will number eight businesses and five families. (27 pages) (ELR Order No. 04791) (NTIS Order No. EIS 72 4791D)

Draft, June 26

U.S. 6 and Illinois Route 47, Illinois, county: Grundy. The statement considers the reconstruction of 2.77 miles of the two highways; the project is located entirely in the city of Morris. Displacements will include three businesses and 24 residences. (22 pages) (ELR Order No. 04776) (NTIS Order No. EIS 72 4776D)

U.S. 77 Kansas, county: Cowley. The statement considers the reconstruction of 16 miles of highway, from Winfield to the Cowley-Butler County line. Approximately 10 residences will be displaced and 20 properties severed by the

project; the rural nature of the area makes replacement housing scarce. (96 pages) (ELR Order No. 04777) (NTIS Order No. EIS 72 4777D)

State Highway 13, North Dakota-Minnesota. The statement considers the construction of a two-lane bypass of Wahpeton, N. Dak. An unspecified amount of land will be required for right-of-way. (16 pages) (ELR Order No. 04775) (NTIS Order No. EIS 72 4775D)

Nebraska Highway 39, Nebraska, county: Nance. The statement considers the replacement of an existing bridge over the Loup River, and replacement of two short overflow bridges with one larger structure. Total project length including approaches, is 1.54 miles. Siltation and water pollution are expected as results of the project. (20 pages) (ELR Order No. 04774) (NTIS Order No. EIS 72 4774D)

Draft, June 27

U.S. 40 Utah, county: Wasatch. The statement considers the reconstruction of 10 miles of two-lane highway, from McGuire Canyon to Strawberry Reservoir. Siltation may occur at stream crossings. (145 pages) (ELR Order No. 04785) (NTIS Order No. EIS 72 4785D)

State Trunk Highway 42–57, Wisconsin, county: Door. The statement refers to the construction of a new, two-lane bridge over Sturgeon Bay, in order to remove congestion from the city of Sturgeon Bay. Total project length, including approaches, is 4.8 miles. The number of potential displacements is not specified. (49 pages) (ELR Order No. 04784) (NTIS Order No. EIS 72 4784D)

Draft, June 28

Hanna Secondary Road, Wyoming, county: Carbon. The project involves the construction of a separation structure over the Union Pacific Railroad tracks near the town of Hanna. The number of displacements will depend upon final project design. (20 pages) (ELR Order No. 04790) (NTIS rder No. EIS 72 4790D)

Final, June 28

Geist Road, Alaska. The statement considers the reconstruction of 1.6 miles of roadway from two to four lanes. The project is located in the city of Fairbanks. An unspecified amount of land will be required for additional right-of-way. (67 pages) Comments made by: EPA, HUD, DOI, and DOT. (ELR Order No. 04799) (NTIS Order No. EIS 72 4799F)

Final, June 29

FAS S–143, Indiana, county: Wayne. The statement considers the construction of two 2-lane bridges, one over Dry Branch Creek and the other over Greensfork Creek. A 4(f) statement will be filed as land would be taken from the Martinsdale State Fishing Area. (27 pages) Comments made by: EPA, DOI, and DOT. (ELR Order No. 04808) (NTIS Order No. EIS 72 4808F)

Final, June 21

Nebraska Highway 10, Nebraska. The statement considers the widening, from two to four lanes, of 1.44 miles of roadway in the city of Kearney. A number of trees will be eliminated; several driveways will be relocated. (24 pages) Comments made by: EPA, COE, HUD, and DOI. (ELR Order No. 04750) (NTIS Order No. EIS 72 4750F)

Final, June 26

I–88 (Susquehanna Expressway), New York, counties: Albany and Schenectady. The statement considers the construction of an 18-mile section of interstate highway, from Central Bridge in Schoharie County to Route 890. Approximately 30 residences and five businesses will be displaced by the project; a 4(f) statement will be filed as public land would be taken for right-of-way. Semi-public recreation areas (golf courses) and wildlife refuges will also be adversely affected. (149 pages) Comments made by: USDA, COE, ARC, and DOI. (ELR Order No. 04778) (NTIS Order No. EIS 72 4778F)

Final, June 28

Market Avenue North, Ohio, county: Stark. The statement considers the widening, from two to four lanes of Market Avenue, in the city of Canton. Several trees will be lost to the project. (29 pages) Comments made by: HUD and DOI. (ELR Order No. 04801) (NTIS Order No. EIS 72 4801F)

State Route 2423, Tennessee, county: Blount. The statement considers the construction of 4.43 miles of new two-lane roadway. An unspecified amount of land will be taken for right-of-way. (41 pages) Comments made by: USDA, COE, HUD, DOI, DOT, and TVA. (ELR Order No. 04796) (NTIS Order No. EIS 72 4796F)

Final, June 21

Beltway 8, Texas, county: Harris. The statement considers the construction of 4 miles of (at least) eight-lane highway, between I–10 and S.H. 225. A high level crossing of the Houston Ship Channel is included in the project. Approximately 163 acres will be taken for right-of-way. The project will facilitate continued urban growth; the water of Buffalo Bayou will be subject to pollution during construction. (30 pages) Comments made by: EPA and COE. (ELR Order No. 04749) (NTIS Order No. EIS 72 4749F)

Final, June 28

U.S. 59 Texas, counties: Bowie and Cass. The statement considers the reconstruction, from two to four lanes, of 13.4 miles of highway. Ten residences and two businesses will be displaced by the project. (62 pages) Comments made by: EPA, USCG, USDA, COE, HEW, DOI, OEO, and DOT. (ELR Order No. 04800) (NTIS Order No. EIS 72 4800F)

Final, June 21

I–82 Washington, counties: Yakima and Benton. The statement considers the corridor for construction of 42 miles of interstate highway, from Union Gap to Prosser. As the precise route has not been fixed, the number of displacements has not been specified. Wildlife habitat and agricultural land will be taken for right-of-way. (252 pages) Comments made by: EPA, HUD, DOI, and DOT. (ELR Order No. 04751) (NTIS Order No. EIS 72 4751F)

Final, June 28

West Virginia Turnpike, West Virginia, counties: Several. The statement considers the reconstruction to interstate standards of 87 miles of the turnpike, from Princeton to Charlestown. The need for new right-of-way will result in the displacement of 188 familes and five churches. (142 pages) Comments made by: DOI, OEO, and EPA. (ELR Order No. 04798) (NTIS Order No. EIS 72 4798F)

BRIAN P. JENNY,
Acting General Counsel.

[FR Doc.72–10579 Filed 7–10–72;8:54 am]

FEDERAL COMMUNICATIONS COMMISSION

[Supp. No. 3]

CANADIAN TELEVISION CHANNEL ALLOCATIONS

Additions to Table

JULY 5, 1972.

Amendment of Table A of the Canada-United States TV Agreement of 1952 (TIAS–2594). Supplement No. 3 (to the table of Canadian television channel allocations within 250 miles of the Canada-United States border, dated August 25, 1971, as revised to August 15, 1971).

Pursuant to exchange of correspondence between the Department of Communications of Canada and the Federal Communications Commission, Table A of the Canadian-United States Television Agreement has been amended as follows:

City	Channel No.	
	Delete	Add
Fernie, British Columbia		[1] 8+L
Golden, British Columbia		[2] *18*L
Radium, British Columbia		*82*
Spillimacheen, British Columbia		*69*
Brandon, Manitoba		[3] 2–L

[1] Limitation of 1,000 watts maximum ERP and —1804 feet EHAAT.

[2] Limitation to protect CBUDT Bonnington, British Columbia, and CHBC–TV–1 Penticton, British Columbia.

[3] Site to be located no less than 190 miles from co-channel allocation at Grand Forks, N. Dak.

Further amendments to Table A will be issued as public notices in the form of numbered supplements or recapitulated lists.

Copies of the basic table of allocations may be obtained from Keuffel & Esser Co., 1521 North Danville Street, Arlington, VA 22201 (Telephone 524–9000, area code 703).

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

[FR Doc.72–10578 Filed 7–10–72;8:52 am]

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED BANKS

Joint Call for Report of Condition

Pursuant to the provisions of section 7(a)(3) of the Federal Deposit Insurance Act, each insured bank is required to make a report of condition as of the close of business June 30, 1972, to the appropriate agency designated herein, within 10 days after notice that such report shall be made: *Provided,* That if such reporting date is a nonbusiness day for any bank, the preceding business day shall be its reporting date.

Each national bank and each bank in the District of Columbia shall make its

original report of condition on Office of the Comptroller Form, Call No. 482 [1], and shall send the same to the Comptroller of the Currency and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank which is a member of the Federal Reserve System, except a bank in the District of Columbia, shall make its original Report of Condition on Federal Reserve Form 105—Call 204 [1] and shall send the same to the Federal Reserve Bank of the District wherein the bank is located and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, shall make its original Report of Condition on FDIC Form 64—Call No. 100 [1] and shall send the same to the Federal Deposit Insurance Corporation.

The original report of condition required to be furnished hereunder to the Comptroller of the Currency and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for Preparation of Consolidated reports of condition by National Banking Associations," dated November 1971.[1] The original report of condition required to be furnished hereunder to the Federal Reserve Bank of the District wherein the bank is located and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of reports of condition by State Member Banks of the Federal Reserve System," dated December 1970, and any amendments thereto.[1] The original report of condition required to be furnished hereunder to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of report of condition on Form 64 by Insured State Banks Not Members of the Federal Reserve System," dated December 1970, and any amendments thereto.[1]

Each insured mutual savings bank not a member of the Federal Reserve System shall make its original report of condition on FDIC Form 64 (Savings),[1] prepared in accordance with "Instructions for the Preparation of Report of Condition on Form 64 (Savings) and Report of Income on Form 73 (Savings) by Insured Mutual Savings Banks," dated December 1971,[1] and shall send the same to the Federal Deposit Insurance Corporation.

FRANK WILLE,
Chairman, Federal Deposit Insurance Corporation.

WILLIAM B. CAMP,
Comptroller of the Currency.

J. L. ROBERTSON,
Vice Chairman, Board of Governors of the Federal Reserve System.

[FR Doc.72-10522 Filed 7-10-72;8:47 am]

[1] Filed as part of original document.

FEDERAL MARITIME COMMISSION

GULF-PUERTO RICO LINES, INC., AND SEA-LAND SERVICE, INC.

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. Gary R. Edwards, Ragan & Mason, The Farragut Building, 900 17th Street NW., Washington, DC 20006.

Agreement No. DC-53, between Gulf-Puerto Rico Lines, Inc. (GPRL), and Sea-Land Service, Inc. (Sea-Land), is a 1-year sales agency agreement whereby GPRL appoints Sea-Land as its sales agent for the continental United States. Under the terms of the agreement, Sea-Land will (1) secure commitments and bookings for container cargo on GPRL vessels; (2) employ and maintain adequate offices, administrative, sales, and supervisory personnel to accomplish the above; and (3) promote and increase GPRL's business to and from the continental United States as well as perform other incidental activities. As compensation, Sea-Land is to receive 2 percent of the net ocean revenue for all of GPRL's freight inbound and outbound to and from the continental United States.

Dated: July 6, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-10546 Filed 7-10-72;8:50 am]

ROHNER, GEHRIG AND CO., INC., ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Gerald H. Ullman, Esq., 120 Broadway, New York, NY 10005.

Agreement No. FF 72-2 is a memorandum of understanding between Rohner, Gehrig & Co., Inc. (Rohner, FMC-375) and the owners of all outstanding stock, Walter Schaaf and Herman C. Stone, of Hensel, Bruckmann & Lorbacher, Inc. (Hensel, FMC-23), whereby such stockholders of Hensel agree to sell all such stock to Rohner.

Hensel will continue to operate under its name, FMC license number and with the same personnel. Messrs. Stone and Schaaf have agreed that upon the termination of their employment they will not compete with Rohner for a period of 5 years.

Dated: July 5, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-10547 Filed 7-10-72;8:50 am]

SHOWA SHIPPING CO., LTD., ET AL.

Notice of Agreements Filed

Notice is hereby given that the following agreements have 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 agreements at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015; or may inspect the agreements 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 agreements 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 parties filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreements filed by:

Mr. David F. Anderson, General Counsel, Matson Terminals, Inc., 100 Mission Street, San Francisco, CA 94105.

Agreement No. T-2649, between Matson Terminals, Inc. (Matson), and Nippon Yusen Kaisha (NYK), and Agreement No. T-2650, between Matson and Showa Shipping Co., Ltd. (Showa), are two identical container terminal services agreements whereby Matson will provide NYK and Showa with complete container terminal services at its facilities located at the Ports of Los Angeles and Oakland, Calif. The services included in these agreements include the providing of (1) adequate berthing space for NYK and Showa vessels; (2) adequate yard space for the purpose of hauling, sorting, consolidating, storing, and handling containers carried on NYK and Showa vessels; and (3) container gentry cranes suitable to handle such containers.

Dated: July 6, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-10548 Filed 7-10-72;8:50 am]

FEDERAL POWER COMMISSION

[Docket No. G-3270 etc.]

ANNCO PETROLEUM CO., INC., ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates [1]

JUNE 28, 1972.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments 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 24, 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 or the authorization for the proposed abandonment 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. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-3270, D 5-22-72	Annco Petroleum Co., Inc. (Operator) et al., Box 51984, OCS, Lafayette, LA 70501 (partial abandonment).	United Gas Pipeline Co., Bancroft Field, Beauregard Parish, La.	(1)	--------
G-4541, C 6-14-72	Atlantic Richfield Co., Post Office Box 2819, Dallas, TX 75221.	El Paso Natural Gas Co., Langlie-Mattix Field, Lea County, N. Mex.	[2] 11.0	14.65
G-6648, D 5-22-72	Sun Oil Co., Post Office Box 2880, Dallas, TX 75221 (partial abandonment).	Texas Gas Transmission Corp., Carthage Field, Panola County, Tex.	(3)	--------
G-7642, D 5-17-72	Mobil Oil Corp., Post Office Box 1774, Houston, TX 77001.	Northern Natural Gas Co., Hugoton Field, Morton and Stevens Counties, Kans.	Assigned	--------
G-7648, D 5-24-72	do	United Gas Pipe Line Co., White Point, Saxet et al., Field, San Patricio and Nueces Counties, Tex.	Assigned	--------
G-10665, D 6-16-72	Champlin Petroleum Co., Post Office Box 9365, Fort Worth, TX 76107 (partial abandonment).	Cities Service Gas Co., acreage in Grant County, Okla.	(4)	--------
G-11817, C 5-30-72	Marathon Oil Co., 539 South Main St., Findlay, OH 45840.	Transcontinental Gas Pipe Line Corp., La Gloria Field, Jim Wells and Brooks Counties, Tex.	24.0	14.65
G-12323, D 5-16-72	Mobile Oil Corp., Post Office Box 1774, Houston, TX 77001.	Lone Star Gas Co., Panther Creek Field, Garvin County, Okla.	Assigned	--------
G-14637, E 6-7-72	Kansas Gas Purchasing, a Kansas limited partnership (successor to Northern Natural Gas Producing Co.), 320 Page Court, Wichita, KS 67202.	Northern Natural Gas Co., Hockett Field, Meade County, Kans.	17.0	14.65
CI60-399, E 5-30-72	Signal Petroleum (Operator) et al. (successor to U.S. Oil Inc.), 944 St. Charles Ave., New Orleans, LA 70130.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., La Rose Field, Lafourche Parish, La.	[5] 22.375	15.025
CI61-1327, D 6-7-72	Mobile Oil Corp., Post Office Box 1774, Houston, TX 77001.	Cities Service Gas Co., Guymon-Hugoton (Deep) Field, Texas County, Okla.	Assigned	--------
CI66-1106, C 5-24-72	CRA, Inc., Post Office Box 7305, Kansas City, MO 64116.	Northern Natural Gas Co., Mertzon Plant, Irion County, Tex.	[6] 24.5	14.65

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI67-89, D 5-19-72	Mobil Oil Corp., Post Office Box 1774, Houston, TX 77001 (partial abandonment)	Northern Natural Gas Co., Gatelake and Northeast Buffalo Field, Harper County, Okla.	(7)	
CI68-503, D 6-5-72	Rhodes & Hicks Drilling Corp. (Operator) et al., Drawer 1579, Alice, TX 78332.	Valley Gas Transmission, Inc., West Dinero Field, Live Oak County, Tex.	Depleted	
CI68-527, C 5-18-72	Sun Oil Co., Post Office Box 2880, Dallas, TX 75221.	Transcontinental Gas Pipe Line Corp., Fordoche Field, Pointe Coupee and Iberville Parishes, La.	(8)	
CI72-138, C 6-5-72	Humble Oil & Refining Co., Post Office Box 2180, Houston, TX 77001.	Columbia Gas Transmission Corp., Grand Isle Block 16 Field, Offshore Louisiana.	[9] 30.0	15.025
CI72-338, C 5-8-72	Midwest Oil Corp., 1700 Broadway, Denver, CO 80202.	Cities Service Gas Co., East Tuttle Field, Grady County, Okla.	[10] 25.0	14.65
CI72-553, C 5-15-72	Pennzoil United, Inc., 900 Southwest Tower, Houston, Tex. 77002.	Panhandle Eastern Pipe Line Co., East Hobart Ranch and Buffalo Wallow Areas, Hemphill County, Tex.	[10] 26.0	14.65
CI72-718, E 5-15-72	H. A. Stuart (successor to General American Oil Co. of Texas), Post Office Box 1757, Victoria, TX 77901.	United Gas Pipe Line Co., South Cabeza Creek Field, Goliad County, Tex.	18.3458	14.65
CI72-774, B 5-30-72	Shadid Production Co., 108 North Main, Altus, OK 73521.	Arkansas Louisiana Gas Co., Moravia Area, Beckham County, Okla.	(11)	
CI72-775, B 5-30-72	Shadid Production Co., et al., 108 North Main, Altus, OK 73521.	Arkansas Louisiana Gas Co., North Carter Field, Beckham County, Okla.	(11)	
CI72-776, B 5-30-72	Delta Drilling Co., Post Office Box 2012, Tyler, TX 75702.	Southern Natural Gas Co., Epps Field, West Carroll Parish, La.	Depleted	
CI72-777, B 5-30-72	do	Arkansas Louisiana Gas Co., Jefferson Field, Marion County, Tex.	Depleted	
CI72-778, B 5-30-72	do	Texas Gas Corp., Big Hill Field, Jefferson County, Tex.	Depleted	
CI72-779, B 5-30-72	do	Southern Natural Gas Co., Millhaven Field, Ouachita Parish, La.	Depleted	
CI72-780, B 5-30-72	do	Arkansas Louisiana Gas Co., Jefferson Field, Marion County, Tex.	Depleted	
CI72-785, B 5-30-72	do	Manufacturer's Light & Heat Co., Driftwood Field, Cameron County, Pa.	Depleted	
CI72-786, B 5-30-72	do	United Natural Gas Co., Wharter Field, Potter County, Pa.	Depleted	
CI72-787, B 5-30-72	do	do	Depleted	
CI72-788, B 5-30-72	do	United Gas Pipeline Co., Carthage Field, Panola County, Tex.	Depleted	
CI72-789, B 5-30-72	do	United Gas Pipeline Co., Sibley Field, Webster Parish, La.	Depleted	
CI72-790, B 5-30-72	do	Arkansas Louisiana Gas Co., Jefferson Field, Marion County, Tex.	Depleted	
CI72-791, B 5-30-72	do	Consolidated Gas Supply Corp., Driftwood Field, Elk County, Pa.	Depleted	
CI72-792, B 5-30-72	do	Arkansas Louisiana Gas Co., Calquitt Field, Claiborne Parish, La.	Depleted	
CI72-796, A 6-1-72	Northeast Blanco Development Corp., 100 Park Ave. Bldg., Oklahoma City, Okla. 73102.	Lone Star Gas Co., acreage in Stephens County, Okla.	[12] 18.0	14.65
CI72-799, A 6-1-72	Colorado Oil & Gas Corp., Box 749, Denver, CO 80201.	Panhandle Eastern Pipe Line Co., Greenwood Gas Field, Morton County, Kans.	17.5	14.65
CI72-800, B 6-2-72	Texaco, Inc., Post Office Box 60252, New Orleans, LA 70160.	Transcontinental Gas Pipeline Co., South Bourg Field, Terrebonne Parish, La.	Depleted	
CI72-801, A 6-5-72	Cabot Corp., Post Office Box 1101, Pampa, TX 79065.	Consolidated Gas Supply Corp., Canisteo Town, Steuben County, N.Y.	[13] 32.75	14.73
CI72-802, B 6-2-72	Sun Oil Co., Post Office Box 2880, Dallas, TX 75221.	Panhandle Eastern Pipe Line Co., Leslie Field, Meade County, Kans.	Depleted	
CI72-803, B 6-2-72	do	Michigan-Wisconsin Pipe Line Co., C. J. Lake No. 2, Laverne Field, Harper County, Okla.	(14)	
CI72-805, B 6-5-72	Phillips Petroleum Co., Bartlesville, Okla. 74004.	Columbia Gas Transmission Corp., Pennland Field, Allegany County, Md.	Depleted	
CI72-807, 6-2-72 [15]	Murphy Oil Corp., 200 Jefferson Ave., El Dorado, Ark. 71730.	Tennessee Gas Transmission Co., Bonus Field, Wharton County, Tex.	19.0	14.65
CI72-808, B 3-15-72	J. D. Borden, 4110 Waldemar, Abilene, TX 79605.	Atlantic Richfield Co., Cox-Brown Strawn Field, Schleicher County, Tex.	Uneconomical	
CI72-810, A 6-8-72	Amoco Production Co., Post Office Box 591, Tulsa, OK 74102.	Northern Natural Gas Co., Kane et al. Fields, Seward County, Kans.	[16] 18.025	14.65
CI72-811, A 6-8-72	do	Arkansas Louisiana Gas Co., Northwest Okeene Field, Blaine County, Okla.	18.8	14.65
CI72-813, B 6-8-72	Atlantic Richfield Co., Post Office Box 2819, Dallas, TX 75221.	Texas Gas Transmission Corp., Jefferson Island Field, Iberia and Vermilion Parishes, La.	(17)	
CI72-815, 6-1-72 [18]	American Petrofina Co. of Texas, Post Office Box 2159, Dallas, TX 75221.	Michigan Wisconsin Pipe Line Co., Laverne Field, Beaver County, Okla.	[19] 19.5	14.65
CI72-816, B 6-9-72	Cities Service Oil Co., Post Office Box 300, Tulsa, OK 74102.	Natural Gas Pipeline Co. of America, Milton Field, Harris County, Tex.	(20)	
CI72-818, A 6-9-72	Anadarko Production Co., et al., Post Office Box 296, Liberal, KS 67901.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Antelope Field, Sweetwater County, Wyo.	[10] 23.16	14.65
CI72-819, A 6-9-72	American Petrofina Co. of Texas, Post Office Box 2159, Dallas, TX 75221.	El Paso Natural Gas Co., San Juan 28-5 Dakota Unit, Rio Arriba County, N. Mex.	[21] 31.864	15.025
CI72-820, B 6-12-72	Marathon Oil Co. (Operator), 539 South Main St., Findlay, OH 45840.	El Paso Natural Gas Co., Chinle Wash Field, San Juan County, Utah.	(22)	
CI72-821, B 6-7-72	Pennzoil Producing Co., 900 Southwest Tower, Houston, Tex. 77002.	United Gas Pipe Line Co., Refugio Field, Refugio County, Tex.	Depleted	
CI72-822, A 6-12-72	Cities Service Oil Co., Post Office Box 300, Tulsa, OK 74102.	Panhandle Eastern Pipeline Co., East Harmon Area, Ellis County, Okla.	[23] 21.0	14.65
CI72-823, A 6-9-72	Pennzoil Co., 900 Southwest Tower, Houston, Tex. 77002.	Natural Gas Pipeline Co. of America, Escobas Area, Zapata County, Tex.	[10] 24.0	14.65
CI72-824, A 6-12-72	Texaco, Inc., Post Office Box 60252, New Orleans, LA 70160.	Texas Gas Transmission Corp., Ship Shoal Block 204 Field, (Block 219) Offshore Louisiana.	26.0	15.025

[1] No present production and lease has expired.
[2] For available residue remaining from Oil-well gas at plant discharge.
[3] The Lela Smith Lease has expired.
[4] No longer producing gas in commercial quantities.
[5] Pursuant to Opinion Nos. 598 and 598-A.
[6] Includes 1.7 cents per Mcf upward B.t.u. adjustment.
[7] Acreage sold.
[8] As per contract on date of deliveries.
[9] Applicant is willing to accept a permanent certificate in accordance with Opinion No. 598.
[10] Subject to upward and downward B.t.u. adjustment.
[11] Commercially unproductive.
[12] Includes 1.8 cents per Mcf upward B.t.u. adjustment.
[13] Subject to compression charge if seller elects to compress.
[14] Well paid out and interest reverts to Operator.
[15] Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. G-9313 to be made pursuant to Southeastern Public Service Co. (Operator) et al., FPC Gas Rate Schedule No. 6.
[16] Includes 0.525 cent per Mcf upward B.t.u. adjustment.
[17] Acreage has ceased to produce.
[18] Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. CI61-512 to be made pursuant to Statex Petroleum et al., FPC Gas Rate Schedule No. 5.
[19] Plus upward B.t.u. adjustment.
[20] Conveyed interests to FM 149 Investors.
[21] Includes 3.864 cents per Mcf upward B.t.u. adjustment.
[22] Cessation of gas production, relinquishment of some leases and assignment of remaining leases.
[23] Area rate is 21 cents per Mcf, subject to upward and downward B.t.u. adjustment; however, the contract price is 26 cents per Mcf.

[FR Doc.72-10405 Filed 7-10-72;8:45 am]

[Docket No. E-7720]

DUKE POWER CO.

Hearing Suspending Proposed Fuel Adjustment Clause; Correction

JUNE 21, 1972.

To our May 31, 1972, order in this proceeding as entitled above, we herein append the attached list of FPC rate schedules affected by Duke Power Co.'s proposed fuel cost adjustment clause.

KENNETH F. PLUMB,
Secretary.

APPENDIX C

DUKE POWER CO.

RATE SCHEDULE DESIGNATIONS

Dated: March 30, 1972, Filed: May 5, 1972

Supplement No. to	Rate schedule FPC No.	Name of customer
5	28	City of High Point, N.C. (Main).
5	29	City of High Point, N.C. (Prospect Road).
6	32	City of Lexington, N.C. No. 1.
16	131	Blue Ridge EMC (N.C.).
18	134	Davidson EMC (N.C.).
8	136	Haywood EMC (N.C.).
13	137	Pee Dee EMC (N.C.).
13	138	Peidmont EMC (N.C.).
26	139	Rutherford EMC (N.C.).
18	140	Surry-Yadkin EMC (N.C.).
14	141	Union EMC (N.C.).
36	142	Blue Ridge Electric Coop., Inc. (S.C.).
27	143	Broad River Electric Coop., Inc. (S.C.).
50	144	Laurens Electric Coop., Inc. (S.C.).
17	145	Little River Electric Coop., Inc. (S.C.).
25	146	York Electric Coop., Inc. (S.C.).
7	155	Town of Bostic, N.C.
6	163	Town of Due West, S.C.
5	173	City of Lexington, N.C. No. 2.
5	176	City of Morganton, N.C. No. 1.
4	178	City of Newton, N.C.
5	185	The Electric Co. (Fort Mill), S.C.
4	197	South Carolina Electric & Gas Co. (for town of Chappels, S.C.).
4	201	Town of Seneca, S.C.
4	212	City of Kings Mountain, N.C.
5	216	City of Morganton, N.C. No. 2.
4	218	City of Newberry, S.C.
4	220	The Electric Co., Inc. (Fort Mill), S.C. "Hensley Road Delivery".
7	225	City of Albemarle, N.C.
9	226	City of Greer, S.C.
25	227	City of Gastonia, N.C.
14	228	City of Rock Hill, S.C., Delivery Nos. 1 and 2.
6	229	Town of Lincolnton, N.C.
6	230	Town of Landis, N.C.
9	231	City of Abbeville, S.C.
6	232	Town of Cornelius, N.C.
6	233	Town of Davidson, N.C.
11	234	Town of Pineville, N.C.
6	235	City of Shelby, N.C.
8	236	Health Springs Light & Power (S.C.).
8	237	Town of Forest City, N.C., Delivery Nos. 1 and 2.
7	238	City of Monroe, N.C., Delivery Nos. 1 and 2.
10	240	City of Statesville, N.C.
9	241	City of Easley, S.C.
8	242	Town of Prosperity, S.C.
13	243	Commissioners of Public Works, Gaffney, S.C.
7	244	Commission of Public Works, Laurens, S.C. (Hampton and Caroline Streets).
5	245	City of Concord, N.C.
28	246	Town of Maiden, N.C.
4	248	Crescent EMC (N.C.).
16	249	City of Clinton, S.C.
	250	Commissioners of Public Works, Greenwood, S.C.

APPENDIX C—Continued

Supplement No. to	Rate schedule FPC No.	Name of customers
3	251	Town of Huntersville, N.C.
4	252	Lockhart Power Co.
3	253	University of North Carolina.
3	254	Town of Dallas, N.C.
4	255	Town of Granite Falls, N.C.
3	256	Town of Westminster, S.C.
5	257	Town of Drexel, N.C.
4	258	City of Cherryville, N.C.
3	259	Clemson University.

[FR Doc.72-10407 Filed 7-10-72;8:45 am]

[Project No. 2600]

BANGOR-HYDRO ELECTRIC CO.

Order Providing for Hearing and Setting Dates

JUNE 29, 1972.

By letter of November 29, 1971, the Department of the Interior requested this Commission to order the Bangor-Hydro Electric Co. (licensee) to plan, construct, and operate a second fish passage facility in its Stanford Project No. 2600 pursuant to Article 16 of its license. Project No. 2600 is located on the Penobscot River in the towns of Enfield and Howland, Penobscot County, Maine. No lands of the United States are affected by the project.

The project contains two dams located on the Penobscot River and Merrill Brook. The main project dam was constructed in 1894 for the operation of a pulp mill. In 1935 and 1936 part of the main dam and an abutment were reconstructed and in 1937 a gate structure and diversion canal were constructed to control the flow of surplus water to the Piscataquis River for utilization in power generation at applicant's Howland project.

Pursuant to sections 4(e) and 18 of the Federal Power Act (16 U.S.C. 811) and the Wildlife Coordination Act (16 U.S.C. 661) the Commission solicited the comments of interested Federal agencies on the construction of fishways prior to issuing the license for Project No. 2600. In response to that request the Department of the Interior recommended by letter dated April 10, 1967, that two fishways, one at the powerhouse discharge and another at the diversion dam, be constructed in order to provide for the most efficient fish passage. In our order issuing license dated February 3, 1970 (43 FPC 132), we noted the Interior's recommendation and stated that Article 16 of the license would provide for action on this matter as would be appropriate.

Article 16 provides:

> The Licensee shall, for the conservation and development of fish and wildlife resources, construct, maintain, and operate, or arrange for the construction, maintenance, and operation of such facilities and comply with such reasonable modifications of the project structures and operation as may be ordered by the Commission upon its own motion or upon the recommendation of the Secretary of the Interior or the fish and wildlife agency or agencies of any State in which the project or part thereof is located, after notice and opportunity for hearing and upon findings based on substantial evidence that such facilities and modifications are necessary and desirable, reasonably consistent with the primary purpose of the project, and consistent with the provisions of the Act.

In support of its request of November 29, 1971, the Department of the Interior has advised this Commission that its Bureau of Sport Fisheries and Wildlife, the Maine Department of Inland Fisheries and Game, and the Atlantic Sea-Run Salmon Commission are presently implementing a plan for the reestablishment of Atlantic salmon runs in the Penobscot River. The plan is to make the Penobscot River a model for future Atlantic salmon restoration. According to Interior, seven of the 10 major fishway facilities which are necessary for restoration of the river have been completed. The eighth fishway is under construction and bids for the ninth fishway have been solicited. The Department states that the only remaining major fishway necessary to the program is the licensee's second fishway facility at the Stanford project's diversion dam.

The Department of the Interior's letter was subsequently referred for comment to the State of Maine's Department of Inland Fisheries and Game. That department and the Salmon Commission responded on January 18, 1972, by stating that they did not recommend that the second fishway be constructed at this time. They noted that the responsible State of Maine agencies agreed to the construction of the tail-race fish passage facilities with the second fishway to be constructed when the need was demonstrated. In their opinion the need for the second fishway has not yet been demonstrated considering that the 1971 run of Atlantic salmon consisted of only 111 adult fish at the Bangor Dam on the Penobscot River. Moreover, they stated that pollution is still a problem in the river. Therefore, they concluded that the construction of the second fishway should be constructed only after the pollution problem on the Penobscot River has improved and the run of salmon on the river is of sufficient magnitude to justify the second fishway.

On May 4, 1972, the Department of the Interior responded to the State of Maine's letter and cited a March 1967, report entitled "The Penobscot River—Atlantic Salmon Restoration: Key to a Model River" which was prepared by the Department of Inland Fisheries and Game and the Salmon Commission in connection with the Federal cost-sharing program to improve the Penobscot River. The Department of the Interior notes that the 1967 report sets out the necessity for two fishways at the Stanford project. Interior also notes that the State of Maine's original proposal provided for cost sharing of two fishways. When the licensee refused to provide matching funds for a second fishway in 1969, Interior approved an amendment to the agreement which permitted suspension of the construction of the second

fishway. The second fishway according to Interior was not, however, deleted from the plan.

In view of the conflicting positions of the Department of the Interior and the Department of Inland Fisheries and Game and the Atlantic Sea-Run Salmon Commission, we are of the view that a hearing should be held for the purpose of placing in a formal hearing record the studies and other evidence supporting the relative positions of agencies involved in order that the Commission may arrive at informed decision on whether it is in the public interest to require the licensee under Article 16 to take steps to begin construction of second fishway at Stanford Project No. 2600 now. To that end the testimony and exhibits of all participants should be limited to the necessity of a second fishway at Project 2600 at this time.

Since the subject of this hearing is the necessity of the construction of a second fishway at the Stanford project, it is not possible at this time to determine whether any action will be taken which could constitute a major Federal action under the provisions of the National Environmental Policy Act. If it becomes clear that there will be a major Federal action, an environmental statement will be filed at that time.

The Commission finds:

(1) It is necessary and proper in the public interest, under the provisions of the Federal Power Act and the provisions of the license granted for Stanford Project No. 2600, that a hearing be held concerning the necessity of a second fishway at Project No. 2600.

(2) Until such time as it is established that it is necessary to construct a second fishway, it cannot be determined whether action to be prescribed hereunder may constitute a major Federal action having a significant impact on the human environment under the National Environmental Policy Act.

The Commission orders:

(A) Pursuant to the authority of the Federal Power Act, the Commission's rules of practice and procedure, the regulations under the Federal Power Act and the provisions of the license of Stanford Project No. 2600, a public hearing shall be held commencing on September 11, 1972, at 10 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426 concerning the necessity of constructing a second fishway at Stanford Project No. 2600 at this time.

(B) Previous thereto, on August 1, 1972, the licensee, the Department of the Interior, the State of Maine Department of Inland Fisheries and Game, and the Atlantic Sea-Run Salmon Commission shall each file its written testimony and exhibits relating to the matters set for hearing herein. On August 21, 1972, the Commission staff shall file its written testimony and exhibits.

(C) In the event it becomes apparent that any major Federal action significantly affecting the human environment is to be recommended, such as the construction of a second fishway, an environmental impact statement will be drafted and circulated.

(D) Notices of intervention or petitions to intervene in the proceedings may be filed with the Federal Power Commission, Washington, D.C. 20426 in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which petitions to intervene may be filed is July 24, 1972.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.72-10496 Filed 7-10-72;8:45 am]

[Docket No. CP72-293]

EL PASO NATURAL GAS CO.

Notice of Application

JULY 3, 1972.

Take notice that on June 20, 1972, El Paso Natural Gas Co. (applicant), Post Office Box 1492, El Paso, TX 79978, filed in Docket No. CP72-293 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the sale and delivery of natural gas for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to install tap or tap and related metering facilities at three locations in order to accommodate requests for natural gas service received from Washington Natural Gas Co. (Washington Natural), Cascade Natural Gas Corp. (Cascade), and Peoples Natural Gas Division of Northern Natural Gas Co. (Peoples). Applicant will service Washington Natural's request for natural gas to permit deliveries to Cameron Village, an unincorporated development, through the construction and operation of a mainline tap and valve assembly with appurtenances located on applicant's 26-inch Ignacio-to-Sumas mainline in King County, Wash. Cascade's request for natural gas to permit deliveries to Lambert's Hydroculture Farm will be accomplished through the construction and operation of a mainline tap and positive displacement-type meter station with appurtenances located on applicant's 10¾-inch lateral in Yakima County, Wash. Peoples request for natural gas to permit deliveries to Arthur Isgar will be accomplished through the construction and operation of a mainline tap and valve assembly with appurtenances to be located on applicant's Ignacio-to-Sumas mainline in La Plata County, Colo.

Applicant states that during the third full year of operation of the proposed facilities the peak day and annual natural gas requirements will aggregate 745 Mcf and 74,655 Mcf, respectively. Applicant further states that the proposed sales and deliveries will be made by the distributor customers by use of presently committed gas supplies made available by it and in accordance with service agreements in effect between it and each of the parties at rates contained in applicant's Rate Schedule ODL-1, FPC Gas Tariff, First Revised Volume No. 3, as such rates and tariffs may be revised from time to time.

The total estimated cost of the proposed facilities is $20,200, which applicant will finance from working funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 24, 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 procelations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-10503 Filed 7-10-72;8:46 am]

[Docket No. CP71-6]

EL PASO NATURAL GAS CO.

Notice of Petition To Amend

JULY 3, 1972.

Take notice that on June 19, 1972, El Paso Natural Gas Co. (petitioner), Post Office Box 1492, El Paso, TX 79978, filed in Docket No. CP71-6, et al., a petition to amend the order of the Commission heretofore issued in said docket pursuant to section 7(c) of the Natural Gas Act on October 30, 1970 (44 FPC 1322), as amended, February 23, 1971 (45 FPC 332), November 4, 1971 (46 FPC ------), February 22, 1972 (47 FPC ------), and June 19, 1972, 47 FPC ------), by authorizing the sale and delivery of additional volumes of natural gas from the

Jackson Prairie Storage Project (Storage Project), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order of October 30, 1970, as amended, the Commission has authorized Washington Natural Gas Co. as project operator (Washington Natural) to operate, inter alia, the storage project in such a maner as to deliver to applicant up to 180,000 Mcf of natural gas daily and 5,200,000 Mcf during any seasonal period commencing November 1 and extending through the immediately succeeding April 15 and otherwise to perform as project operator under the terms and provisions of the Gas Storage Project Agreement dated June 25, 1970, as amended, between Washington Natural, the Washington Water Power Co. (Water Power) and applicant. Pursuant to said order, applicant is authorized to render natural gas service under its Rate Schedule SGS-1, FPC Gas Tariff, First Revised Volume No. 3, in quantities aggregating 180,000 Mcf of natural gas per day and 5,200,000 Mcf during any such seasonal period.

Applicant states that it, Washington Natural and Water Power, joint and equal undivided interest owners in the storage project, have agreed to increase the winter seasonal withdrawal capability of the storage project from its presently authorized level of 5,200,000 Mcf of natural gas to 6,700,000 Mcf. Applicant states that no change is proposed in the maximum daily withdrawal rate of 180,000 Mcf. In light of this agreement, Applicant seeks authorization to render service under Rate Schedule SGS-1 in winter seasonal quantities aggregating 6,700,000 Mcf of natural gas, commencing November 1, 1972. Applicant states that if the requested authorization is granted it would allocate the new seasonal quantity among its Northwest Division System customers consistent with the authorized allocation method specified by the Commission in its amending order of February 23, 1971 (45 FPC 332), in said docket.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 24, 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 proceding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-10556 Filed 7-10-72;8:50 am]

[Docket No. CP66-6]

EL PASO NATURAL GAS CO.

Notice of Petition to Amend

JULY 3, 1972.

Take notice that on June 19, 1972, El Paso Natural Gas Co. (petitioner), Post Office Box 1492, El Paso, TX 79978, filed in Docket No. CP66-6 a petition to amend the order of the Commission heretofore issued in said docket pursuant to section 7(c) of the Natural Gas Act on September 24, 1965 (34 FPC) 965, as amended January 24, 1966 (35 FPC 134), May 31, 1966 (35 FPC 836), and August 9, 1966 (36 FPC 405), by authorizing the sale and delivery of natural gas to Intermountain Gas Co. (Intermountain) for transportation to and resale and distribution in the communities of St. Anthony and Sugar City, Idaho, and their respective environs, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The order of September 24, 1965, as amended, authorized, inter alia, the sale and delivery of natural gas to Intermountain through petitioner's existing Idaho Falls, Idaho, meter station for resale and distribution to the communities of Iona, Rigby, Rexburg, Ucon, and Lewisville, Idaho, and their respective environs served by Intermountain's Idaho Falls-Rexburg, Idaho, lateral pipeline and attendant distribution systems. Petitioner states that Intermountain proposes to initiate natural gas service to the communities of St. Anthony and Sugar City, Idaho, and their respective environs by extending in a northerly direction its Idaho Falls-Rexburg, lateral pipeline approximately 13 miles. Petitioner indicates that such new service will require no increase in present contracted firm quantities made available by it to Intermountain. Petitioner states that the total combined peak day and annual firm natural gas requirements of Intermountain during the third full year of service to the new communities are 1,175 Mcf of natural gas and 122,511 Mcf, respectively. Petitioner asserts that its proposed sale and delivery to Intermountain is to be made in accordance with and at rates contained in petitioner's Rate Schedule ODL-1, FPC Gas Tariff, First Revised Volume No. 3, and will be provided by use of petitioner's existing Idaho Falls meter station without expansion or modification.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 24, 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-10504 Filed 7-10-72;8:46 am]

[Docket No. RP72-144]

FLORIDA GAS TRANSMISSION CO.

Notice of Proposed Changes in Rates and Charges

JUNE 30, 1972.

Take notice that Florida Gas Transmission Co. (Florida Gas) on June 14, 1972, tendered for filing proposed changes in its FPC Gas Tariff, Original Volumes Nos. 1 and 2, to become effective August 1, 1972. The proposed changes are designed to realign Florida Gas' resale rates and its rates for transportation services at current revenue levels in conformity with the cost allocation and rate design principles determined by the Commission in its Opinion No. 611, issued February 16, 1972, in Docket No. RP66-4 et al.

Copies of the filing were served on Florida Gas' jurisdictional customers and the Florida Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 14, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-10497 Filed 7-10-72;8:45 am]

[Project No. 2413]

GEORGIA POWER CO.

Notice of Application for Approval of Reservoir Clearing and Vector Control Plan

JULY 3, 1972.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Georgia Power Co. (correspondence to Mr. I. S. Mitchell III, vice president and secretary, Georgia Power Co., Post Office Box 4545, Atlanta, GA 30302) for approval of a reservoir clearing and vector control plan for the Laurens Shoals Project No. 2413 (Wallace Dam) located in the vicinity of Athens, Eatonton, Madison, and Greensboro, Ga., on the Oconee

and Apalachee Rivers. The project lands lie in Putnam, Morgan, Oglethorpe, Greene, and Hancock Counties. The application was filed in accordance with Article 43 of the license.

Applicant's plan was prepared in consultation and cooperation with:

Georgia Department of Public Health.
Georgia State Game and Fish Commission.
Forest Service, U.S. Department of Agriculture.
Fish and Wildlife Service, U.S. Department of the Interior.
Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior.

The reservoir would have a surface area of approximately 18,000 acres at normal full pool elevation 435 feet (m.s.l.). Applicant proposes to clear areas between elevations 425 feet and 435 feet prior to impounding water in the reservoir. The area between elevations 425 and 435 would be completely cleared of all structures, trees, and woody growth and no stumps or structures would protrude more than 6 inches above the ground on the uphill side. In the area of the reservoir below elevation 425, no stumps or structures would protrude above elevation 425. All depressions would be drained to prevent stagnant water from forming and a preimpoundment mosquito survey in the area of the reservoir would be made.

Any person desiring to be heard or to make protest with reference to said application should on or before August 15, 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 a 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.72-10557 Filed 7-10-72;8:50 am]

[Project No. 2413]

GEORGIA POWER CO.

Notice of Application for Approval of Revised Exhibit R (Recreation Use Plan)

JULY 3, 1972.

Public notice is hereby given that application for approval of a Revised Exhibit R has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Georgia Power Co. (correspondence to: I. S. Mitchell III, Vice President and Secretary, Georgia Power Co., Post Office Box 4545, Atlanta, GA 30302) as part of the license for the Laurens Shoals Project No. 2413 (Wallace Dam), located in the vicinity of Athens, Eatonton, Madison, and Greensboro, Ga., on the Oconee and Apalachee Rivers. The recreational facilities will lie in Putnam, Morgan, Oconee, Oglethorpe, Greene, and Hancock Counties, Ga. The application was filed in accordance with Article 41 of the license and supersedes portions of the Exhibit R included in the application for license.

Under the initial development, applicant proposes to develop or cooperate in the development of seven recreational areas totaling approximately 295 acres upon completion of the reservoir in 1976. The recreational facilities as proposed would consist of: (1) Three 85-acre areas, each to consist of two camping areas, each with eight campsites built to accommodate tents or trailers; one picnic area with 20 picnic tables; 1 acre of beach with bathhouse; and one two-lane boat ramp. In addition, adequate sanitary, parking, water, and electrical facilities, grills, a playground and boat docks would be provided; (2) three 10-acre sites, each to consist of one two-lane boat launching ramp with dock and parking area, three picnic tables and trash receptacles; and (3) a 10-acre overlook area consisting of a visitors building containing an observation deck, interest center, and restrooms; a picnic area with nine tables, grills, and a shelter; a playground; and water, sewerage, and electrical systems.

In addition to the lands to be used for initial development, nine areas totaling 1,520 acres would be acquired and reserved for future recreational use. Installation of recreation facilities required for the initial development from 1976 until 1980 and for every 10-year period up to 2020 (end of license term) are to be developed according to demand. Total estimated requirements by the end of the license period include 97 boat launching lanes, 15.5 acres of swimming area, 1148 campsites, and 614 picnic tables.

The U.S. Forest Service is planning initial and future recreational resource development for public use of the reservoir at two areas within the Oconee National Forest, which borders a portion of the reservoir shoreline. Total initial development at both areas consist of four two-lane ramps, 185 family camping units, 2 picnic areas with 42 tables, and a 1-acre swimming area. All facilities are scheduled for completion in 1976.

Any person desiring to be heard or to make protest with reference to said application should on or before August 15, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitioners 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 a 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.72-10558 Filed 7-10-72;8:50 am]

[Docket No. CI72-622]

GULF OIL CORP. ET AL.

Findings and Order After Statutory Hearing Issuing Certificate of Public Convenience and Necessity, Amending Order Issuing Certificate, Accepting Rate Schedule and Rate Schedule Supplements for Filing, and Making Successor Corespondent

JUNE 29, 1972.

On March 22, 1972, Gulf Oil Corp. (Operator) et al. (applicant), filed in Docket No. CI72-622 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continuation of a sale of natural gas, previously made by El Paso Products Co., from acreage in the West Bisti Unit, Bisti Field, San Juan County, N. Mex., to El Paso Natural Gas Co., all as more fully set forth in the application in this proceeding.

Applicant proposes to continue in part a sale of natural gas formerly authorized in Docket No. G-16006 to be made pursuant to El Paso Products Co. (Operator) et al., FPC Gas Rate Schedule No. 6. The rate under said rate schedule at the time of transfer of properties was in effect subject to refund in Docket No. RI64-468. Therefore, applicant will be made a co-respondent in said proceeding, the proceeding will be redesignated accordingly and the order issuing a certificate in Docket No. G-16006 will be amended by deleting therefrom authorization to sell natural gas from the properties assigned to applicant herein.

The Commission's staff has reviewed the application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, no petition to intervene, notice of intervention, or protest to the granting of the application has been filed.

At a hearing held on June 21, 1972, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the application, and exhibits thereto, submitted in support of the authorization sought herein, and upon consideration of the record,

The Commission finds:

(1) Applicant, Gulf Oil Corp. (Operator) et al., is engaged in the sale for resale of natural gas in interstate commerce subject to the jurisdiction of the Commission and is, therefore, a "natural gas company" within the meaning of

the Natural Gas Act as heretofore found by the Commission.

(2) The sale of natural gas hereinbefore described, as more fully described in the application in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sale by applicant, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, is subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicant is able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The sale of natural gas by applicant, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, is required by the public convenience and necessity; and a certificate therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Gulf Oil Corp. (Operator) et al., should be made a co-respondent in the proceeding pending in Docket No. RI64-468 and that said proceeding should be redesignated accordingly.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificate of public convenience and necessity issued in Docket No. G-16006 should be amended by deleting therefrom authorization to sell natural gas assigned to applicant herein.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedule and supplements related to the authorization hereinafter granted should be accepted for filing as described in the tabulation herein.

The Commission orders:

(A) A certificate of public convenience and necesssity is issued upon the terms and conditions of this order authorizing the sale by applicant of natural gas in interstate commerce for resale for ultimate public consumption, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the application in this proceeding.

(B) The certificate issued herein is not transferable and shall be effective only so long as applicant continues the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the rules, regulations, and orders of the Commission.

(C) The grant of the certificate issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against applicant. Further, our action in this proceeding shall not foreclose or prejudice any future proceedings relating to the operation of any price or related provisions in the gas purchase contract herein involved. The grant of the certificate herein for service to the particular customer involved shall not imply approval of all of the terms of the contract, particularly as to the cessation of service upon termination of said contract, as provided by section 7(b) of the Natural Gas Act. The grant of the certificate herein shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sale of natural gas subject to said certificate.

(D) The order issuing a certificate of public convenience and necessity in Docket No. G-16006 is amended by deleting therefrom authorization to sell natural gas from the properties assigned to Gulf Oil Corp., applicant in Docket No. CI72-622.

(E) Gulf Oil Corp. (operator) et al., is made a co-respondent in the proceeding in Docket No. RI64-468 and said proceeding is redesignated accordingly. Gulf shall comply with the refunding procedure required by the Natural Gas Act and section 154.102 of the regulations thereunder.

(F) The rate schedule and rate schedule supplements related to the authorization granted herein are accepted for filing, all as set forth in the tabulation herein.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule		
			Description and date of document	Number	Supp.
CI72-622 [1] F 3-22-72 [4]	Gulf Oil Corp. (Operator) et al.	El Paso Natural Gas Co., West Bisti Unit, Bisti Field, San Juan County, N. Mex.	Contract 5-2-58	434	
			Supplemental Agreement 1-25-60.	434	1
			Assignment 8-1-68 [2]	434	2
			Assignment 8-1-68 [2]	434	3
			Assignment 8-1-68 [2]	434	4
			(Effective date 8-1-68) [3]		

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[1] Applicant proposes to continue in part a sale of natural gas heretofore authorized in Docket No. G-16006 to be made pursuant to El Paso Products Co. (Operator) et al. FPC Gas Rate Schedule No. 6.
[2] Assigns acreage to Applicant from El Paso Products Co.
[3] Date of transfer of properties.
[4] Predecessor is affiliated with El Paso Natural Gas Co.

[FR Doc.72-10494 Filed 7-10-72;8:45 am]

[Docket No. RP72-132]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Order Accepting for Filing, Suspending Revised Tariff Sheets, Providing for Hearing Procedures, and Permitting Interventions

JUNE 30, 1972.

On May 31, 1972, Natural Gas Pipeline Company of America (Natural) tendered for filing proposed changes in its FPC Gas Tariff, Third Revised Volume No. 1 and Second Revised Volume No. 2 [1] to become effective on July 1, 1972. The company proposes an increase in rates which would add $47,991,356 annually to its revenues based on sales volumes for the 12-month period ended February 20, 1972, as adjusted.

Natural states that the principal reason for its proposed rate increase is to reflect the substantial increases in revenues necessary to recover the costs which Natural has incurred above those costs included in its last rate increase filing. Natural's cost of service as filed reflects a change in the depreciation rate and a change in the tax depreciation method applicable to pre-January 1, 1970, properties. Other adjustments to base period costs include a 9.17-percent rate of return which based upon the claimed rate base and the effect of associated income taxes accounts for about $10.6 million of the total increase. The volume of sales as filed is dependent upon receipt of authorization for facilities and services.

Natural presently has authorization under the purchased gas adjustment provision in its tariff and the tracking provisions of the settlement in Docket No. RP71-125 to recover approximately $20,300,000 of this increase. The purchased gas component of the cost of service is based upon the average cost of gas computed as of November 30, 1972. No change in the PGA provision of Natural's tariff is reflected in this filing except for the insertion of the Base Average Purchased Gas Cost of 22.30¢ per Mcf.

Natural has included an $80 million adjustment for advance payments for gas supplies in the rate base underlying the proposed rate increase which it states can and should be committed for expend-

[1] Third Revised Volume No. 1: Third Revised Sheet No. 5, First Revised Sheet No. 117. Second Revised Volume No. 2: Fifth Revised Sheet No. 220.

iture prior to December 1, 1972, to reasonably attempt to assist in meeting its gas supply needs. The settlement in Natural's last rate case, Docket No. RP71-125, included the staff's elimination of $30 million of claimed advance payments based on actual expenditures at December 1, 1971, and tracking authority through December 31, 1972. Consistent with that same principle, Natural will be required to file revised tariff sheets and adjust its rates to actual expenditures of advanced payments at December 1, 1972.

Natural has also included approximately $27 million of facility costs in its rate base which were not certificated at the time of filing, and therefore, requests waiver of the Commission's regulations to permit inclusion of such costs. By order issued June 20, 1972, the Commission certificated $20,727,000 of such facilities in Docket No. CP72-217. However, authorization for facilities in Docket No. CP72-233 estimated at $5,560,000 is still pending. In the event these facilities are not placed in service prior to December 1, 1972, Natural shall file revised tariff sheets adjusting its rates to reflect elimination of noncertificated facilities and shall also file supplemental cost and revenue data which reflects the elimination of these noncertificated facilities from its section 4(e) application in these proceedings.

The following parties filed timely petitions to intervene or notices of intervention:

Associated Natural Gas Co.
Central Illinois Light Co.
Northern Indiana Public Service Co.
Illinois Power Co.
Laclede Gas Co.
North Shore Gas Co.
The Peoples Gas Light & Coke Co.
Iowa Electric Light & Power Co.
Iowa-Illinois Gas & Electric Co.
Peoples Natural Gas Division of Northern Natural Gas Co.
Northern Illinois Gas Co.
Iowa State Commerce Commission.
Wisconsin Southern Gas Co., Inc.
Iowa Southern Utilities Co.
Mississippi River Transmission Corp.
United Cities Gas Co.

Review of Natural's rate filing indicates that the issues which it raises require development in an evidentiary hearing. The proposed increased rates and charges have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

Inasmuch as Natural's prior rate filing in Docket No. RP71-125 included in its settlement a rate moratorium until December 1, 1972, with the exception of tracking increases, the proposal will be suspended for the full statutory 5-month period.

The Commission finds:

(1) The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Natural's FPC Gas Tariff, as proposed to be amended in this docket, and that the tendered tariff sheets be suspended as hereinafter provided.

(3) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

(4) Participation of the above-named persons in this proceeding may be in the public interest.

(5) In the event this proceeding is not concluded prior to the termination of the suspension period herein ordered, the placing of the tariff changes applied for in this proceeding into effect, subject to refund with interest while pending Commission determination as to their justness and reasonableness, is consistent with the purposes of the Economic Stabilization Act of 1970, as amended.

The Commission orders:

(A) Natural's tariff sheets as filed on May 31, 1972, are accepted for filing subject to their revision to reflect actual advance payment expenditures and certificated facilities on December 1, 1972.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing shall be held commencing with a prehearing conference on November 14, 1972, at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, concerning the lawfulness of the rates, charges, classification, and services contained in Natural's FPC Gas Tariff, as proposed to be amended.

(C) At the prehearing conference on November 14, 1972, Natural's prepared testimony (Statement P) together with its entire rate filing shall be offered for admission to the record as its complete case-in-chief subject to appropriate motions, if any, by parties to the proceedings. In addition other parties' prepared evidentiary presentations shall also be offered for the record. All parties will be expected to come to the conference fully prepared to effectuate the provisions of §§ 1.18 and 2.59 of the Commission's rules of practice and procedure, including a useful discussion of all problems and involved in the proceeding, both procedural and substantive, and fully authorized to make commitments with respect thereto.

(D) On or before October 10, 1972, the Commission staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any or all intervenors shall be served on or before October 24, 1972. Any rebuttal evidence by Natural shall be served on or before November 7, 1972. Cross-examination on the evidence filed will commence on November 21, 1972.

(E) A presiding examiner to be designated by the Chief Examiner for that purpose (see Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(F) Pending such hearing and decision thereon, Natural's proposed revised tariff sheets listed above are hereby suspended and the use thereof is deferred until December 1, 1972, subject to the terms and conditions of this order. Natural shall refund at such times and in such manner as may be required by final order of the Commission, the portion of the increased rates and charges found by the Commission in this proceeding not justified, together with interest at the rate of 7 percent per annum, from the date of payment of Natural until refunded; shall bear all costs of all refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates and charges effective as of December 1, 1972, for each billing period, and shall report (original and one copy) in writing and under oath, to the Commission monthly, for each billing period, by customer, the billing determinants of natural gas sold and transported, under the above-described tariff sheets, and the revenue immediately prior to December 1, 1972, and under the rates and charges declared by this order to have become effective, together with the differences in the revenues so computed.

(G) As a condition of this order, Natural shall execute and file in triplicate with the Secretary of this Commission within 20 days of the date of this order, its written agreement and undertaking to comply with the terms of paragraph (F) hereof, signed by a responsible officer of the corporation evidenced by proper authority from its board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the FPC Gas Tariff, Third Revised Volume No. 1 and Second Revised Volume No. 2 and upon all parties of record in this proceeding as follows:

AGREEMENT AND UNDERTAKING OF NATURAL GAS PIPELINE COMPANY OF AMERICA WITH TERMS AND CONDITIONS OF PARAGRAPH (F) OF THE FEDERAL POWER COMMISSION ORDER ISSUED 1972, AT DOCKET NO. RP72-132

In conformity with the requirements of the order issued ____________, 1972, at Docket No. RP72-132, Natural Gas Pipeline Company of America hereby agrees and undertakes to comply with the terms and conditions of paragraph (F) of said order and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this______day of____________, 1972.

NATURAL GAS PIPELINE COMPANY OF AMERICA
By ____________________________

Attest:

____
(Secretary)

(H) The parties named above are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specif-

ically set forth in the respective petitions to intervene: *And provided, further,* That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-10498 Filed 7-10-72;8:45 am]

[Docket No. RP72-127]

NORTHERN NATURAL GAS CO.

Order Providing for Hearing, Establishing Procedures, and Accepting and Suspending Proposed Revised Tariff Sheets

JUNE 30, 1972.

On May 19, 1972, Northern Natural Gas Co. (Northern) tendered for filing revised tariff sheets[1] proposing changes in its FPC Gas Tariff, Third Revised Volume No. 1, Original Volumes Nos. 2 and 3, to become effective on July 3, 1972. The revised tariff sheets provide for an increase in annual jurisdictional revenues of approximately $36,296,680, based upon sales volumes for the 12-month period ended February 29, 1972, as adjusted, and also include amendments to tariff provisions incorporated in a settlement agreement pending Commission action in Phase I of Docket No. RP71-107, which dealt with curtailment issues therein.

Northern states that the prinpical reasons for the proposed increased rates are inter alia, increased costs of labor, supplies, expenses, depreciation, and capital; a proposed increase in rate of return to 9⅛ percent along with the increases in taxes, including Federal and State income taxes, associated with bringing the rate of return to 9⅛ percent; increased costs of obtaining new gas supplies and increases in prices for present gas supplies; and advance payments and other costs of acquiring and holding new sources of gas supply from Montana, Canada, Alaska, and the Arctic Islands and the related cost of attaching the recently authorized Montana gas to Northern's system.

Northern is also proposing uniform rates for jurisdictional field sales located within three operational areas which would result in increases and decreases in individual contract rates presently in effect as well as the cancellation of several certain field sales contracts.

The settlement agreement in Phase I of Docket No. RP71-107, which deals with Northern's authority to curtail gas deliveries to certain of its customers and which Northern is proposing to amend in the instant filing, is incorporated in the tariff sheets tendered in the instant filing. Northern states that the purpose of the proposed amendments is to clarify its authority to conserve available gas supplies to assure present and future deliveries of gas to residential, small volume commercial and small volume industrial consumers.

Review of the noncurtailment and curtailment sections of the instant filing indicates that the issues raised therein may require development in an evidentiary proceeding. The proposed curtailment amendments and the proposed noncurtailment changes tendered by Northern on May 19, 1972, have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or preferential or otherwise unlawful. We believe that the issues pertaining to Northern's proposed revised curtailment provisions should be heard separately from the hearing on the noncurtailment issues. Accordingly, we shall establish procedures to expedite both of those hearings.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the changes proposed by Northern to its FPC Gas Tariff, Third Revised Volume No. 1, Original Volumes Nos. 2 and 3, and that the proposed tariff sheets listed in Appendix A hereto be accepted for filing, suspended and the use thereof deferred as hereinafter provided.

(2) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

(3) In the event this proceeding is not concluded prior to the termination of the suspension period herein ordered, the placing into effect of the tariff changes applied for in this proceeding, subject to refund with interest while pending Commission determination as to their justness and reasonableness, is consistent with the purpose of the Economic Stabilization Act of 1970, as amended.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Chapter 1), a public hearing shall be held, commencing with a prehearing conference on November 28, 1972, at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, concerning the lawfulness of the rates, charges, classification, and services (exclusive of the curtailment issues discussed below) contained in Northern's FPC Gas Tariff as proposed to be revised herein.

(B) At the prehearing conference on November 28, 1972, all previously served prepared testimony and exhibits related to noncurtailment issues shall be offered for the record, subject to appropriate motions, if any, by parties to the proceeding.

(C) On or before October 24, 1972, the Commission staff shall serve its prepared testimony and exhibits on the noncurtailment issues. The prepared testimony and exhibits of any and all intervenors on noncurtailment issues shall be served on November 3, 1972. Any rebuttal evidence by Northern on noncurtailment issues shall be served on or before November 17, 1972.

(D) A Presiding Examiner to be designated by the Chief Examiner for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control the proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(E) The procedural dates for service of prepared testimony and exhibits and for hearings for the curtailment issues herein shall be set by future order of the Commission.

(F) On July 11, 1972, Northern shall file with the Commission, with service on all parties to this proceeding, a statement setting forth the specific proposed tariff sheets (including any that give notice of cancellation of existing sheets) that pertain to the issues involved in its curtailment procedures, both present and proposed, as well as the specific parts of its testimony and exhibits pertaining to those issues, which were served in this proceeding on June 5, 1972.

(G) Pending hearing and a final decision in this proceeding, all of Northern's proposed revised sheets tendered on May 19, 1972, are hereby suspended and the use thereof deferred until December 3, 1972, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(H) Northern shall refund at such times and in such manner as may be required by final order of the Commission, the portion of the increased rates and charges found by the Commission in this proceeding not justified, together with interest at the rate of 7 percent per annum, from the date of payment of Northern until refunded; shall bear all costs of any refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates and charges effective as of December 3, 1972, for each billing period; and shall report (original and one copy) in writing and under oath, to the Commission monthly, for each billing period, by customer, the billing determinants of natural gas sold and transported, under the above described substitute tariff sheets, and the revenue immediately prior to December 3, 1972, and under the rates and charges declared by this order to have become effective, together with the differences in the revenues so computed.

(I) As a condition of this order, Northern shall execute and file in triplicate with the Secretary of this Commission within 20 days of the date of this order, its written agreement and undertaking to comply with the terms of paragraph (F) hereof, signed by a responsible officer of the corporation evidenced by proper authority from its Board of Directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the Third Revised Volume No. 1 and

---

[1] The revised tariff sheets are listed in appendix A hereto.

original Volumes Nos. 2 and 3 tariffs and upon all parties of recording in this proceeding as follows:

AGREEMENT AND UNDERTAKING OF NORTHERN NATURAL GAS CO. TO COMPLY WITH THE TERMS AND CONDITIONS OF PARAGRAPH (F) OF THE FEDERAL POWER COMMISSION'S ORDER ISSUED ____________, 1972, AT DOCKET NO. RP72-127

In conformity with the requirements of the order issued ____________, 1972, at Docket No. RP72-127, Northern Natural Gas Co. hereby agrees and undertakes to comply with the terms and conditions of paragraph (F) of said order and has caused this agreement and undertaking to be executed and sealed in its name by its officer, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this ______ day of ____________ 1972.

NORTHERN NATURAL GAS COMPANY
By ____________________________

Attest:

____
(Secretary)

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

NORTHERN NATURAL GAS CO.

Revised Tariff Sheets Filed

Third Revised Volume No. 1:
- Original Sheets Nos. 59b, 59c, 59d, and 59e.
- First Revised Sheets Nos. 27b, 29a, 29b, 29c, 29d, 35, 36, 59, and 60.
- Second Revised Sheets Nos. 1, 15, 16, 18, 19, 20, 21, 24, 25, 26, 34, 37, 38, and 61.
- Substitute Original Sheet No. 59a.

Original Volume No. 2:
- Original Sheets Nos. 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 419, 420, 421, 422, 423, 424, 425, 426, 427, and 428.
- First Revised Sheets Nos. 129a, 175, 209, 212, 213, 222, 226, 250, 269, 313, 317, 325, 328, 329, 337, 341, 353, 356, and 357.
- Second Revised Sheets Nos. 62, 115, 122, 188, and 190.
- Third Revised Sheets Nos. 256, 258, 259, and 260.
- Substitute Original Sheet No. 369.

Original Volume No. 3: First Revised Sheet No. 20.

[FR Doc.72-10500 Filed 7-10-72;8:45 am]

[Project No. 2578—New York]

ORANGE AND ROCKLAND UTILITIES, INC.

Notice of Availability of Environmental Statement for Inspection

JULY 6, 1972.

Notice is hereby given that on August 9, 1971, as required by § 2.81(b) of Commission regulations under Order 415-B (36 F.R. 22738, November 30, 1971) a draft environmental statement containing information comparable to an agency draft statement pursuant to section 7 of the guidelines of the Council on Environmental Quality (36 F.R. 7724, April 23, 1971) was placed in the public files of the Federal Power Commission. This statement deals with an application for license filed pursuant to the Federal Power Act by Orange and Rockland Utilities, Inc., for constructed Mongaup Project No. 2578 located on Mongaup River and Black Brook in Sullivan County, N.Y.

This statement is available for public inspection in the Commission's Office of Public Information, Room 2523, General Accounting Office, 441 G Street NW., Washington, DC. Copies will be available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

The principal project facilities consist of a dam and reservoir on Mongaup River, a powerhouse with total installed capacity of 4,000 kw., a diversion from Black Brook to the powerhouse, a substation, and recreational facilities.

Any person desiring to present evidence regarding environmental matters in this proceeding must file with the Federal Power Commission a petition to intervene, and also file an explanation of their environmental position, specifying any difference with the environmental statement upon which the intervenor wishes to be heard, including therein a discussion of the factors enumerated in § 2.80 of Order 415-B. Written statement by persons not wishing to intervene may be filed for the Commission's consideration. The petitions to intervene or comments should be filed with the Commission on or before 45 days from July 5, 1972. The Commission will consider all response to the statement.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-10553 Filed 7-10-72;8:50 am]

[Project No. 2592—New York]

ORANGE AND ROCKLAND UTILITIES, INC.

Notice of Availability of Environmental Statement for Inspection

JULY 6, 1972.

Notice is hereby given that on August 9, 1971, as required by § 2.81(b) of Commission regulations under Order 415-B (36 F.R. 22738, November 30, 1971) a draft environmental statement containing information comparable to an agency draft statement pursuant to section 7 of the guidelines of the Council on Environmental Quality (36 F.R. 7724, April 23, 1971) was placed in the public files of the Federal Power Commission. This statement deals with an application for license filed pursuant to the Federal Power Act by Orange and Rockland Utilities, Inc., for constructed Rio Project No. 2592 located on the Mongaup River in Orange and Sullivan Counties, N.Y.

This statement is available for public inspection in the Commission's Office of Public Information, Room 2523, General Accounting Office, 441 G Street NW., Washington, DC. Copies will be available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

The principal project facilities consist of a dam and reservoir on Mongaup River, a downstream powerhouse with total installed capacity of 10,000 kw., a substation, certain transmission lines, and recreational facilities.

Any person desiring to present evidence regarding environmental matters in this proceeding must file with the Federal Power Commission a petition to intervene, and also file an explanation of their environmental position, specifying any difference with the environmental statement upon which the intervenor wishes to be heard, including therein a discussion of the factors enumerated in § 2.80 of Order 415-B. Written statement by persons not wishing to intervene may be filed for the Commission's consideration. The petitions to intervene or comments should be filed with the Commission on or before 45 days from July 5, 1972. The Commission will consider all response to the statement.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-10554 Filed 7-10-72;8:50 am]

[Project No. 2605—New York]

ORANGE AND ROCKLAND UTILITIES, INC.

Notice of Availability of Environmental Statement for Inspection

JULY 6, 1972.

Notice is hereby given that on July 6, 1972, as required by § 2.81(b) of Commission regulations under Order 415-B (36 F.R. 22738, November 30, 1971) a draft environmental statement containing information comparable to an agency draft statement pursuant to section 7 of the guidelines of the Council on Environmental Quality (36 F.R. 7724, April 23, 1971) was placed in the public files of the Federal Power Commission.

This statement deals with an application for license filed pursuant to the Federal Power Act by Orange and Rockland Utilities, Inc., for license for constructed Swinging Bridge Project No. 2605 located on the Mongaup River and Black Lake Creek in Sullivan County, N.Y.

This statement is available for public inspection in the Commission's Office of Public Information, Room 2523, General Accounting Office, 441 G Street NW., Washington, DC. Copies will be available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

The principal project facilities consist of a dam and reservoir on Mongaup River, two downstream powerhouses with total combined installed capacity of 11,750 kw., two substations, a transmission line, two dams, and reservoirs on Black Lake Creek the lower reservoir of which connects to that on Mongaup River by a tunnel, and recreational facilities.

Any person desiring to present evidence regarding environmental matters in this proceeding must file with the Federal Power Commission a petition to intervene, and also file an explanation of their environmental position, specifying any difference with the environmental statement upon which the intervenor

wishes to be heard, including therein a discussion of the factors enumerated in § 2.80 of Order 415-B. Written statement by persons not wishing to intervene may be filed for the Commission's consideration. The petitions to intervene or comments should be filed with the Commission on or before 45 days from July 5, 1972. The Commission will consider all response to the statement.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-10555 Filed 7-10-72;8:50 am]

[Docket No. CI71-530]

PHILLIPS PETROLEUM CO.

Notice of Petition To Amend

JUNE 29, 1972.

Take notice that on June 16, 1972, Phillips Petroleum Co. (petitioner), Bartlesville, Okla. 74004, filed in Docket No. CI71-530 a petition to amend the order of the Commission issuing a certificate of public convenience and necessity in said docket pursuant to section 7(c) of the Natural Gas Act by authorizing the additional sale of surplus residue gas to El Paso Natural Gas Co. (El Paso) at its Goldsmith Plant, Ector County, Tex., all as more fully set forth in the application in this proceeding.

By order of April 23, 1971, applicant was issued a certificate of public convenience and necessity in subject docket authorizing the sale for resale to El Paso of residue gas at its Goldsmith Plant, attributable to raw gas produced and purchased in Ector and Crane Counties, Tex., pursuant to a Residue Gas Purchase Agreement dated December 14, 1970, which is on file with the Commission as its FPC Gas Rate Schedule No. 483. Applicant and El Paso have entered into an Amendment of Residue Gas Purchase Agreement dated May 16, 1972, amending the December 14, 1970, agreement.

Applicant seeks authorization, pursuant to the amendment dated May 16, 1972, for the sale of additional residue gas to El Paso at the Goldsmith Plant attributable to new raw gas from properties available for connection to applicant's Judkins Station. Applicant states that the majority of this gas will be purchased by it from producers under purchase contracts which provide for payment based upon a percentage of the proceeds received by it for resale of the residue attributable to such properties. Applicant further states that this gas is attributable to new gas not heretofore connected to its gathering system.

Applicant proposes to sell gas at an initial rate of 30 cents per Mcf at 14.65 p.s.i.a., subject to upward and downward B.t.u. adjustment and a 2.5-cent per Mcf compression, treating, and transportation charge. Applicant asserts that this is the minimum price required to attract new gas connections for either interstate or intrastate commitment.

Applicant expects an initial upward B.t.u. adjustment of 3.3 cents per Mcf and an initial monthly sales volume of 60,000 Mcf of natural gas.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 24, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-10501 Filed 7-10-72;8:46 am]

[Project No. 2149]

PUBLIC UTILITY DISTRICT NO. 1, DOUGLAS COUNTY, WASH.

Order Extending Times for Filing of Testimony and Hearing

JUNE 29, 1972.

On June 13, 1972, the order providing for hearing and setting dates was issued providing for public hearing to commence on July 25, 1972, concerning the establishment of wildlife losses directly attributable to the construction of Wells Project No. 2149, any mitigation thereof which has occurred and any mitigation thereof which is required. Additionally, the written testimony and exhibits of Public Utility District No. 1 of Douglas County, Wash. (licensee) and the Washington State Department of Game (Game) was ordered filed on June 26, 1972, and Commission Staff written testimony and exhibits was ordered filed on July 11, 1972.

On June 19, 1972, licensee filed its motion to continue time for hearing and dates on game mitigation. In the affidavit of counsel attached thereto previous commitments of counsel are set forth together with an estimate of the amount of time required to complete the written testimony to be filed by licensee. Licensee requests an extension of time from June 26 to approximately July 26, 1972, for filing of exhibits and written testimony, extension of the date for hearing to a date subsequent to September 1, 1972, and fixing of a date for conference under § 1.18 of the Commission's rules of practice and procedure.

On June 21, 1972, Game filed its answer to licensee's motion for extension of time wherein Game states that the schedule set forth in our June 13, 1972, order should be followed. By subsequent telegram Game indicated that it advised counsel for licensee that Game agreed to a 10-day extension of time for filing of written testimony and exhibits providing the hearing date will not be continued.

On June 23, 1972, staff filed its answer stating that it will not object to an extension of time for the filing of testimony and exhibits by licensee provided that staff is allowed the same time after such filing to prepare and file its written testimony and exhibits as in the previous schedule and that the same amount of time be scheduled between the filing of staff's testimony and the commencement of the hearing.

As all parties in the proceeding have been heard from on this matter, we shall proceed to issue our ruling although the full 10 days allowed to answer a motion under the Commission's rules of practice and procedure has not elapsed.[1]

Section 1.18 of the Commission's rules of practice and procedure provide for conferences between the parties to a proceeding and staff at any time prior to or during hearings before the Commission or presiding examiner. Licensee has requested such a conference as to the best interest of all concerned for late August or early September. Section 1.18 provides that these conferences shall be for the submission and consideration of facts, arguments, offers of settlement, or proposals of adjustment, for settlement of a proceeding, or any of the issues therein, or consideration of means by which the conduct of the hearing may be facilitated and the disposition of the proceeding expedited. We recognize the fact that the parties to this proceeding have been negotiating this matter for an extended period of time. The parties have alleged that agreement on the matter of mitigation of fish losses is near. Our order of June 13, 1972, provides that the hearing set by that order shall be enlarged to encompass the question of mitigation of fish losses in the event that parties are unable to reach an agreement as to such losses.

As to mitigation of game losses, the parties have been unable to come to any agreement in spite of a prolonged period of negotiation. In light of these facts, we are of the view that to call the parties to Washington, D.C., from such a great distance to continue discussions which have been so fruitless in the past is futile. Further, there is no indication that any prehearing conference is necessary to clarify the issues. After the submission of testimony and the commencement of cross-examination, when the parties are assembled, if they desire to follow the procedures of § 1.18 they may do so, being prepared to continue immediately thereafter to conduct such further business, including cross-examination, as is necessary to complete the record in this proceeding, including that necessary on the subject of mitigation of fish losses, in order that a full and well-informed decision may be made, and final disposition made of this matter.

The Commission finds:

(1) In view of the positions of the parties as to the extension of time for filing of written testimony and ex-

[1] By notice issued June 23, 1972, by the Secretary, the time within which licensee and Game shall file their written testimony and exhibits was extended to and including July 3, 1972, pending further order of the Commission.

hibits and hearing as set forth in their filed pleadings, the date for filing of written testimony and exhibits by licensee and game should be extended to July 13, 1972.

(2) The date for filing of written testimony and exhibits by staff should be extended to July 28, 1972, and the date for commencement of public hearing should be extended to August 15, 1972.

(3) There has been no showing that a conference under § 1.18 of the Commission's rules of practice and procedure is necessary or would be beneficial.

The Commission orders:

(A) The dates set in our order of June 13, 1972, in this proceeding are hereby changed to the following schedule:

July 13, 1972, filing of written testimony and exhibits by licensee and game.
July 28, 1972, filing of written testimony and exhibits by staff.
August 15, 1972, commencement of public hearings in Washington, D.C., as set forth in our order of June 13, 1972.

(B) The request for a conference under § 1.18 of the Commission's rules of practice and procedure is denied.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-10499 Filed 7-10-72;8:45 am]

[Project No. 2709]

MONONGAHELA POWER CO. ET AL.

Notice of Revised Application for License for Unconstructed Project

JUNE 30, 1972.

Public notice is hereby given that the application for major license filed under the Federal Power Act (16 U.S.C. 791a–825r) by Monongahela Power Co., The Potomac Edison Co., and West Penn Power Co. (correspondence to Mr. Robert G. MacDonald, Senior Vice-President, Allegheny Power Service Corp., 800 Cabin Hill Drive, Greensburg, PA 15601 and/or Mr. Richard S. Weygandt, Director Legal Services, Monongahela Power Co., 1310 Fairmont Avenue, Fairmont, WV 26554) for proposed Project No. 2709, to be known as Davis Power Project, to be located on the Blackwater River and Red Creek, in Tucker County, W. Va., near the towns of Thomas and Davis has been revised by the applicant. Grant County, W. Va., would also be affected by the proposed transmission lines associated with this project.

According to the revised application, the market for project power will be in its service areas in Maryland, Ohio, West Virginia, and Pennsylvania. Applicant, as subsidiary of Allegheny Power System, Inc., states that the project's capacity of 1 million kw is necessary to meet its projected January 1978, load peak of 5,800 Mw and to provide needed reserves. Applicant states the estimated cost of the project at $141 million (1970 price level). The lower dam would release a constant flow of 11 c.f.s. to maintain the normal seasonal flow over Blackwater Falls and water supply for the town of Davis. Applicant also states that the project would effect a reduction of flood peaks below the drainage area involved.

This proposed pumped storage project would consist of: (1) Two rockfill dams on Cabin Mountain having a total length of about 7,800 feet and a maximum height of about 90 feet forming; (2) an upper reservoir with a gross storage capacity of 30,000 acre-feet and a surface of about 600 acres at full pond elevation 4,042 feet (msl); (3) an intake channel; (4) a 1,325-foot-long tunnel with diameter varying from 29.5 to 27 feet; (5) a 1,325-foot-long steel penstocks 27 feet in diameter; (6) two 1,670-foot-long steel penstocks 19 feet in diameter; (7) four 520-foot-long steel penstocks 13.5 in diameter; (8) a surface powerhouse containing four 250,000-kw pump-turbine generating units; (9) two 550,000-kva transformers; (10) a tailrace channel about 500 feet long; (11) a lower reservoir having a gross storage capacity of 162,500 acre-feet and a surface area of about 7,000 acres at full pond elevation 3,182 feet (msl) formed by; (12) a rockfill dam constructed across Blackwater River about 75 feet high and 710 feet long, having an ungated spillway, and low-level outlet works; (13) two independent single circuit 500-kv transmission lines constructed in a single corridor extending a distance of approximately 10.8 miles to a connection with Virginia Electric Power Co.'s (VEPCO) existing 500-kv line from Pruntytown substation belonging to applicant to VEPCO's Mount Storm generating plant; (14) a 500-kv switchyard adjacent to the powerhouse; and (15) all other facilities and interests appurtenant to operation of the project.

The proposed project would be located near the Canaan Valley State Park, the Blackwater Falls State Park, the Spruce Knob-Seneca Rocks National Recreation Area, the Monongahela National Forest, and Cathedral State Park, none of which contain a large body of water. Drawdown of the lower reservoir would be limited to 4 feet, thereby providing a 7,000-acre lake which would be available at all times for recreation.

The applicant proposes to build: (1) A fisherman access area consisting of a 250-acre strip of land along the north bank of the Blackwater River, located between the lower reservoir dam and the town of Davis; (2) a 100-unit camping area, with water and electrical facilities, located immediately downstream from the lower reservoir dam; (3) a marina and picnic area with playground, foot trail, and drinking water facilities, located at the north end of the lower reservoir; and (4) an interpretive center, with drinking water facilities, located at a site approximately 3,000 feet west of, and overlooking, the lower reservoir. Appropriate access roads and sanitary and parking facilities would be provided at each of the above areas. All recreation facilities located within Canaan Valley would be day-use types.

Applicant proposes to enter in an agreement with the West Virginia Department of Natural Resources whereby that department would operate and maintain the above facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 5, 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.72-10559 Filed 7-10-72;8:51 am]

[Docket No. CP72-288]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

JULY 3, 1972.

Take notice that on June 16, 1972, Panhandle Eastern Pipeline Co. (applicant), Post Office Box 1642, Houston, TX 77001, filed in Docket No. CP72-288 a budget-type application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations under said Act, for a certificate of public convenience and necessity authorizing the construction, during the 12-month period following the date of authorization, and operation of certain natural gas facilities to enable applicant to take into its pipeline system supplies of natural gas which will be purchased from producers in the general area of its existing pipeline system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of the budget-type application is to augment its ability to act with reasonable dispatch in contracting for and connecting to its system supplies of natural gas in various producing areas generally coextensive with said system.

The total cost of the proposed facilities will not exceed $7 million, and no individual project will cost more than $1 million. Applicant states that these costs will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 24, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to

be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-10560 Filed 7-10-72;8:51 am]

[Docket No. CP71-7]

WASHINGTON NATURAL GAS COMPANY AS PROJECT OPERATOR

Notice of Petition to Amend

JULY 3, 1972.

Take notice that on June 19, 1972, Washington Natural Gas Company as Project Operator (petitioner), Post Office Box 1869, Seattle, WA 98111, filed in Docket No. CP71-7 et al., a petition to amend the order of the Commission heretofore issued in said dockets pursuant to section 7(c) of the Natural Gas Act on October 30, 1970 (44 FPC 1322), as amended February 23, 1971 (45 FPC 332), November 4, 1971 (46 FPC ______), February 22, 1972 (47 FPC ______), and June 19, 1972 (47 FPC ______), by authorizing the delivery of additional volumes of natural gas from the Jackson Prairie Storage Project (Storage Project), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order of October 30, 1970, as amended, petitioner is authorized to operate the Storage Project in such a manner as to deliver to El Paso Natural Gas Company (El Paso) up to 180,000 Mcf of natural gas per day and 5,200,000 Mcf during any seasonal period commencing November 1 and extending through the immediately succeeding April 15 and otherwise to perform as project operator under the terms and provisions of a Gas Storage Project Agreement (Project Agreement) dated June 25, 1970, as amended. Petitioner states that continued evaluation of the Storage Project and actual operations during the 1971-72 heating season have indicated that, consistent with orderly development and expansion, the seasonal withdrawal capability for 1972-73, and thereafter, can be increased from the presently authorized level of 5,200,000 Mcf of natural gas to 6,700,000 Mcf, by use of facilities presently authorized. Petitioner states that it and the other participants in the Storage Project, El Paso and Washington Water Power Co., have determined that the cushion gas inventory can be increased from a level of not less than 9,800,000 Mcf of natural gas to a level of not less than 10,500,000 Mcf and that the total gas inventory (both cushion and working gas) can be increased from a level of not less than 15 million Mcf to a level of not less than 17,200,000 Mcf to support the increased seasonal withdrawal level of 6,700,000 Mcf proposed. Consistent with such increase, petitioner indicates that the daily delivery obligation percentages have been revised so as to provide for a more accurate and flexible range of deliveries permitted by the Storage Project.

Petitioner seeks authorization to operate the Storage Project in such a manner as to deliver under its Rate Schedule S-1, FPC Gas Tariff, Original Volume No. 1, to El Paso up to 6,700,000 Mcf of natural gas during any seasonal period commencing November 1, 1972, or any subsequent November 1, and continuing through the immediately succeeding April 15. Petitioner states that no change in the maximum daily withdrawal rate is proposed.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 24, 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-10561 Filed 7-10-72;8:51 am]

[Docket No. G-10786 etc.]

CAR-TEX PRODUCING CO. ET AL.

Findings and Order Correction

JUNE 15, 1972.

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, dismissing application, permitting and approving abandonment of service, terminating certificate, terminating proceedings, making successors co-respondent redesignating proceedings, and accepting rate schedules for filing, issued January 18, 1972 and published in the FEDERAL REGISTER February 3, 1972 (37 F.R. 2608): in Docket No. CI62-569: change supplement "8" to "10".

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-10562 Filed 7-10-72;8:51 am]

[Docket No. RP72-98]

TEXAS EASTERN TRANSMISSION CORP.

Suspension of Proposed Increased Pipeline Rates; Correction

JUNE 15, 1972.

In the order accepting tariff sheets containing purchased gas adjustment provisions, suspending such sheets, rejecting certain other sheets, providing for hearing, and granting petitions to intervene, issued February 11, 1972 and published in the FEDERAL REGISTER February 17, 1972 (37 F.R. (3576), second paragraph and ordering paragraph E) delete "(vi)" so that "§ 154.38(d)(4)(vi)" shall read "§ 154.38(d)(4)."

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-10563 Filed 7-10-72;8:51 am]

FEDERAL RESERVE SYSTEM

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of condition of insured banks, issued jointly by the Comptroller of the Currency, the Federal Reserve System, and the Federal Deposit Insurance Corporation, see F.R. Doc. 72-10522, Federal Deposit Insurance Corporation, *supra*.

OFFICE OF EMERGENCY PREPAREDNESS

FEDERAL COORDINATING OFFICER

Appointment

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575, December 31, 1970 (36 F.R. 37, January 5, 1971) to administer the Disaster Relief Act of 1970 (Public Law 91-606, 82 Stat. 1744), I hereby appoint Philip D. Bassett as Federal Coordinating Officer to perform the duties specified by section 201 of that Act for Massachusetts disaster number 325 with date of declaration, March 6, 1972, effective June 21, 1972.

This notice changes my designation of March 7, 1972 (37 F.R. 5150, March 10,

1972), with respect to the same disaster listed, naming Albert D. O'Connor as Federal Coordinating Officer.

Dated: July 4, 1972.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.72-10510 Filed 7-10-72;8:46 am]

FEDERAL COORDINATING OFFICER

Appointment

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575, December 31, 1970 (36 F.R. 37, January 5, 1971) to administer the Disaster Relief Act of 1970 (Public Law 91-606, 84 Stat. 1744), I hereby appoint Hugh H. Fowler as Federal Coordinating Officer to perform the duties specified by section 201 of that Act for Washington disaster No. 334 with date of declaration, June 10, 1972, effective June 21, 1972.

This notice changes my designation of June 10, 1972 (37 F.R. 11918, June 15, 1972) with respect to the same disaster listed, naming Creath A. Tooley as Federal Coordinating Officer.

Dated: July 4, 1972.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.72-10511 Filed 7-10-72;8:46 am]

FEDERAL COORDINATING OFFICER

Appointment

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575, December 31, 1970 (36 F.R. 37, January 5, 1971) to administer the Disaster Relief Act of 1970 (Public Law 91-606, 84 Stat. 1744), I hereby appoint Joseph Dolben as Federal Coordinating Officer to perform the duties specified by section 201 of the Act for the disasters listed below effective June 21, 1972.

State	Disaster No.	Declaration date
Maine: Vice Albert D. O'Connor, appointed March 10, 1972. (37 F.R. 5536, March 16, 1972).	326	Mar. 7, 1972
New Hampshire: Vice Albert D. O'Connor, appointed March 21, 1972. (37 F.R. 6355, March 28, 1972).	327	Mar. 18, 1972

Dated: July 4, 1972.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.72-10512 Filed 7-10-72;8:47 am]

FEDERAL COORDINATING OFFICER

Appointment

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575, December 31, 1970 (36 F.R. 37, January 5, 1971) to administer the Disaster Relief Act of 1970 (Public Law 91-606, 84 Stat. 1744), I hereby appoint John F. Sullivan, Jr., as Federal Coordinating Officer to perform the duties specified by section 201 of the Act for the disasters listed below effective June 21, 1972.

State	Disaster No.	Declaration date
New Jersey: Vice Albert D. O'Connor, appointed January 7, 1970 (35 F.R. 403, January 10, 1970).	245	June 15, 1968
Maine: Vice Albert D. O'Connor, appointed March 4, 1970 (35 F.R. 4352, March 11, 1970).	284	Feb. 27, 1970

Dated: July 4, 1972.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.72-10513 Filed 7-10-72;8:47 am]

FEDERAL COORDINATING OFFICER

Appointment

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575, December 31, 1970 (36 F.R. 37, January 5, 1971) to administer the Disaster Relief Act of 1970 (Public Law 91-606, 84 Stat. 1744), I hereby appoint John L. Makey as Federal Coordinating Officer to perform the duties specified by section 201 of the Act for the disasters listed below effective June 21, 1972.

State	Disaster No.	Declaration date
Washington: Vice Creath A. Tooley, appointed February 12, 1971 (36 F.R. 3221, February 19, 1971).	300	Feb. 9, 1971
Oregon: Vice Creath A. Tooley, appointed February 22, 1971 (36 F.R. 3554, February 26, 1971).	301	Feb. 13, 1971
Oregon: Vice Creath A. Tooley, appointed January 24, 1972 (37 F.R. 1141, January 26, 1972).	319	Jan. 21, 1972
Washington: Vice Creath A. Tooley, appointed February 3, 1972 (37 F.R. 2859, February 8, 1972).	322	Feb. 1, 1972
Idaho: Vice Creath A. Tooley, appointed March 6, 1972 (37 F.R. 5087, March 9, 1972).	324	Mar. 2, 1972
Washington: Vice Creath A. Tooley, appointed March 29, 1972 (37 F.R. 6718, April 1, 1972).	328	Mar. 24, 1972

Dated: July 4, 1972.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.72-10514 Filed 7-10-72;8:47 am]

CALIFORNIA

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744), as amended by Public Law 92-209 (85 Stat. 742); notice is hereby given that on June 27, 1972, the President declared a major disaster as follows:

I have determined that the damages in certain areas of the State of California from a levee break and flooding beginning about June 21, 1972, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of California. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91-606, as amended), I hereby appoint Mr. Robert C. Stevens, Regional Director, OEP Region 9, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following area in the State of California to have been adversely affected by this declared major disaster:

The county of:

Sacramento.

Dated: July 6, 1972.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.72-10528 Filed 7-10-72;8:48 am]

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), and amended June 27, 1972, and published July 1, 1972 (37 F.R. 13135), is hereby further 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:

Calvert.
Dorchester.
Kent.
Queen Annes.
St. Marys.
Somerset.
Talbot.
Wicomico.

Dated: July 5, 1972.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.72-10529 Filed 7-10-72;8:48 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5114]

DELMARVA POWER & LIGHT CO.

Notice of Posteffective Amendment Regarding Issuance and Sale of Notes to Dealer in Commercial Paper

JULY 5, 1972.

Notice is hereby given that Delmarva Power & Light Co. (Delmarva), 800 King Street, Wilmington, DE 19899, a registered holding company, has filed with this Commission a post effective amendment to its application in this proceeding pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6 and 7 of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the amended application, which is summarized below, for a complete statement of the proposed transactions.

By order dated December 28, 1971 (Holding Company Act Release No. 17412), the Commission, authorized Delmarva, among other things, to issue and sell from time to time until December 31, 1973, short-term notes, including commercial paper, in an aggregate face amount not to exceed $40 million outstanding at any one time. This order increased the exemption from the provisions of section 6(a) afforded by the first sentence of section 6(b) of the Act, relating to the sale of short-term notes from 5 percent to approximately 9 percent of the principal amount and par value of the other securities of Delmarva outstanding at the time.

Delmarva now proposes to increase temporarily the aggregate principal amount of such short-term notes outstanding at any one time from $40 million to $50 million, and states that authorization for such increase, if granted, will be deemed to be automatically terminated immediately upon the issuance and receipt of the proceeds from the sale of $30 million First Mortgage and Collateral Trust Bonds, ______ percent Series due August 1, ______, which is the subject of a separate proceeding before the Commission (File No. 70-5212, Holding Company Act Release No. 17610, June 16, 1972).

It is stated that at about the time of the scheduled sale of said bonds Delmarva estimates the amount of its outstanding short-term notes will be near the limit of its present authorization of $40 million; that the authority requested in the posteffective amendment is to assure that Delmarva will have available additional funds which may be required to meet its obligations prior to the issuance and receipt of the proceeds of the proposed new bonds; and that Delmarva believes it desirable to have sufficient funds available at the time bids for the new bonds are opened to afford Delmarva flexibility in its determination either as to acceptance of the results of the bidding or postponement of the opening of bids.

Delmarva requests that, for the period commencing upon the granting of this posteffective amendment and ending upon the successful sale of the proposed new bonds and receipt of the proceeds thereof, the exemption from the provisions of section 6(a) of the Act afforded by the first sentence of section 6(b) thereof, relating to the sale of short-term notes, be increased from 5 percent to approximately 12.8 percent of the aggregate of the principal amount of mortgage bonds and the par value of common stock and preferred stock of Delmarva outstanding at the time.

In all other respects, the transactions heretofore authorized in this proceeding remain unchanged.

Notice is further given that any interested person may, not later than July 20, 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 posteffective amendment to the application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application as now amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-10542 Filed 7-10-72;8:48 am]

TARIFF COMMISSION

[TEA-W-147]

HANDLEY MILLS, INC.

Workers' Petition for Determination; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the former workers of the Handley Mills, Inc., Roanoke, Ala., the U.S. Tariff Commission, on July 6, 1972, instituted an investigation under section 301(c)(2) of the act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with plain woven fabrics wholly of cotton (of the types provided for in items 320.01-320.20 of the Tariff Schedules of the United States) manufactured by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such company, or an appropriate subdivision thereof.

The petitioners have not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York City office of the Tariff Commission located in room 437 of the customhouse.

Issued: July 6, 1972.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.72-10595 Filed 7-10-72;8:53 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

STANDARDS ADVISORY COMMITTEE ON AGRICULTURE

Notice of Establishment and Meeting

Notice is hereby given that a standards advisory committee on agriculture has been established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656) and that it will meet at 9:30 a.m. on Wednesday, July 26, 1972, in the Congressional Room of the Quality Motel, Capitol Hill, 415 New Jersey Avenue NW., Washington, DC.

The advisory committee has been established to advise the Assistant Secretary of Labor for Occupational Safety and Health with regard to proposing standards concerning the safety and health of employees engaged in agriculture.

The meeting shall be open to the public.

Signed at Washington, D.C., this 5th day of July 1972.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.72-10530 Filed 7-10-72;8:48 am]

INTERSTATE COMMERCE COMMISSION

[Notice 26]

ASSIGNMENT OF HEARINGS

JULY 6, 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 55822 Sub 12, Victory Express, Inc., now assigned July 10, 1972, at Columbus, Ohio, will be held in room 228, Federal Building, 85 Marconi Boulevard, instead of room 2, State Office Building, 65 South Front Street.

MC 133095 Sub 19, Texas Continental Express, Inc., now assigned July 12, 1972, at Washington, D.C., is postponed indefinitely.

MC 47109 Sub 7, Sullivan Lines, Inc., now being assigned hearing August 15, 1972, at Washington, D.C., will be held at the offices of the Interstate Commerce Commission.

FD 26615, city of Wheeling, W. Va. Abandonment Baltimore & Ohio Railroad tracks, Wheeling, Ohio County, W. Va. FD 26674, city of Wheeling, W. Va. Abandonment of operations Penn Central Transportation Co. tracks, Wheeling, Ohio County, W. Va., now assigned July 24, 1972, at Wheeling, W. Va., hearing is postponed indefinitely.

MC 116073 Sub 208, Barrett Mobile Home Transport, Inc., now assigned July 13, 1972, at Dallas, Tex., is canceled and application dismissed.

MC 4405 Sub 496, Dealers Transit, Inc., now being assigned hearing July 24, 1972 (1 week), in room 9207, Federal Building, 450 Golden Gate Avenue, San Francisco, CA.

MC 119700 Sub 17, Steel Haulers, Inc., now assigned July 10, 1972, at Memphis, Tenn., hearing is canceled and application dismissed.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.72-10569 Filed 7-10-72;8:51 am]

[Notice 88]

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-73726. By order of July 3, 1972, the Motor Carrier Board approved the transfer to Meehan's Express, Inc., Schenectady, N.Y., of certificate of registration No. MC-121099 (Sub-No. 1), issued February 7, 1966, to Frank J. Lewis and Samuel Braunstein, a partnership, doing business as Meehan Express, Schenectady, N.Y., evidencing a right to engage in transportation in interstate commerce corresponding in scope to certificate of public convenience and necessity No. 611, dated June 23, 1964, issued by the New York Public Service Commission; and of certificate No. MC-121099 (Sub-No. 2) issued February 7, 1966, authorizing the transportation of general commodities, with exceptions, between Scotia, N.Y., and Rensselaer, N.Y., serving all intermediate points. John J. Brady, Jr., 75 State Street, Albany, NY 12207, attorney for applicants.

No. MC-FC-73731. By order of June 30, 1972, the Motor Carrier Board approved the transfer to George D. McClain, Jr., doing business as McClain Moving Co., Palmyra, N.J., of certificate No. MC-100751, issued February 15, 1961, to John W. Hollawell, Philadelphia, Pa., authorizing the transportation of: Household goods, between points in Philadelphia County, Pa., on the one hand, and, on the other, New York, N.Y., and points in Westchester and Nassau Counties, N.Y., and those in New Jersey and Maryland. Edwin L. Scherlis, 1209 Lewis Tower Building, 15th and Locust Streets, Philadelphia, PA 19102, attorney for applicants.

No. MC-FC-73741. By order of June 29, 1972, the Motor Carrier Board approved the transfer to John A. Di Meglio, Inc., Ancora, N.J., of permits Nos. MC-125918 (Sub-No. 1), MC-125918 (Sub-No. 2), MC-125918 (Sub-No. 4), MC-125918 (Sub-No. 6), MC-125918 (Sub-No. 9), and MC-125918 (Sub-No. 10), issued March 4, 1966, October 5, 1970, August 11, 1967, February 6, 1970, and April 7, 1972, respectively, to John A. Di Meglio, Ancora, N.J., authorizing the transportation of: Brick, tile, concrete building units, and similar commodities, between various points and areas in New York, Connecticut, Delaware, Maryland, Massachusetts, New Jersey, Pennsylvania, Rhode Island, West Virginia, and the District of Columbia., George A. Olsen, practioner, 69 Tonnele Avenue, Jersey City, NJ 07306.

No. MC-FC-73764. By order of June 30, 1972, the Motor Carrier Board approved the transfer to J. T. Chapman, Hartsville, S.C., of the operating rights in certificate Nos. MC-120668 (Sub-No. 3) and MC-120668 (Sub-No. 4) issued October 2, 1967 to H. C. & D. Lines, Inc., Hartsville, S.C., authorizing the transportation of various commodities from, to and between specified points and areas in North Carolina, South Carolina, and Georgia. James M. Herring, Post Office Box 519, Hartsville, SC 29550, attorney for applicants.

JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.72-10570 Filed 7-10-72;8:52 am]

[Notice 88-A]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by Division 3 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 general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. 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-73544. By order entered June 23, 1972, Division 3, acting as an Appellate Division, approved the transfer to Fleet Express, Inc., West Holmstead, Pa., of that portion of the operating rights set forth in certificate No. MC-123375, issued March 9, 1961, to Kirk Trucking Service, Inc., Monroeville, Pa., authorizing the transportation of: Boilers, boiler parts, economizers, water walls, headers, stokers, powerhouse installation materials, steel and steel products, machinery, contractors' tools and equipment, office equipment, and architects' supplies, between Cornwells Heights, Pa., on the one hand, and, on the other, points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and West Virginia, restricted against traffic originating at or destined to any points in the Philadelphia, Pa., commercial zone as established in 17 M.C.C. 533 (except Cornwells Heights, Pa.). A. Charles Tell, 100 East Broad Street, Columbus, OH, attorney for applicants.

JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.72-10571 Filed 7-10-72;8:52 am]

[No. MC-125985 (Sub-No. 9)]

AUTO DRIVEAWAY COMPANY EXTENSION—MOTORHOMES

Application for Certificate of Public Convenience and Necessity

JUNE 26, 1972.

At a session of the Interstate Commerce Commission, Review Board No. 2, held at its office in Washington, D.C., on the 16th day of June 1972.

It appearing, that application filed October 1, 1971, as amended, Auto Driveaway Co., a corporation, of Chicago, Ill., seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of motorhomes (not mobile homes), in driveaway service, between points in Indiana and points in the United States;

It further appearing, that the application has been processed under the Commission's modified procedure; that applicant and supporting shippers have filed verified statements in support of the application; that protestant, Kenosha Auto Transport Corp. has filed a verified statement in opposition; and that applicant has filed a statement in rebuttal;

It further appearing, that supporting shippers have demonstrated a need for the transportation of motorhomes in a driveaway service between their respective production facilities, on the one hand, and, on the other, points throughout the United States;

It further appearing, that the sole protestant holds authority in conflict with applicant's proposed driveaway service from and to many points throughout the United States; that it also holds extensive initial and secondary authority to transport trucks; that protestant, however, lacks authority to originate traffic at any of the supporting shippers' plantsites and has not shown how its truck authority would be applicable, or that it could provide the required service under this authority, and therefore it appears that protestant is unable to perform the service for which a need has been shown;

It further appearing, that the restriction against the transportation of mobile homes, is unnecessary, inasmuch as the authority to transport motorhomes does not embrace authority to transport mobile homes, and therefore such restriction will not be imposed, see Fox-Smythe Transportation Co. Extension—Oklahoma, 106 M.C.C. 1 (1967);

It further appearing, that inasmuch as the grant of authority described in this order duplicates applicant's existing authority to a certain extent, such grant of authority and applicant's existing authority that it duplicates shall be construed as conferring only a single operating right;

It further appearing, that the territorial description employed in the application and in the resulting notice in the FEDERAL REGISTER clearly does not adequately describe the service proposed and does not accordingly, provide notice of the issues involved to potentially interested parties, and that the territorial description set forth in our grant of authority herein more accurately describes and reflects the territory and issues involved;

It further appearing, that because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen the proceeding, or for other appropriate relief, setting forth in detail the precise manner in which it has been prejudiced;

And it further appearing, that otherwise the evidence submitted in the form of verified statements, demonstrates that applicant is experienced in providing this type of service, is in compliance with the rules and regulations governing motor carrier operations, and is fit and able, financially and otherwise, to conduct the proposed service; and that the application should be granted as set forth below subject to prior publication in the FEDERAL REGISTER;

Wherefore, and good cause appearing therefor:

We find, that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of motor-homes, in driveaway service, between Oneonta, N.Y., Commerce City, Colo., Middlebury, Ind., Spencer, Wis., Fort Worth, Tex., Waycross, Ga., Fredericksburg, Va., Forest Grove, Oreg., Hutchinson, Kans., Hialeah, Fla., and Nampa, Idaho, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; 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; that an appropriate certificate should be granted; and that the application in all other respect should be denied.

It is ordered, That said application, except to the extent granted herein, be, and it is hereby, denied.

It is further ordered, That the grant of authority in this order, and applicant's existing authority that it duplicates, shall be construed as conferring only a single operating right.

It is further ordered, That upon compliance by applicant with the requirements of sections 215, 217, and 221(c) of the Interstate Commerce Act, and with the Commission's rules and regulations thereunder, a certificate be issued to applicant authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, in the manner described above, subject to prior publication in the FEDERAL REGISTER of a notice of the authority actually granted by this order.

And it is further ordered, That unless compliance is made by applicant with the requirements of sections 215, 217, and 221(c) of the Act within 90 days after the date of service of this order, and provided that no petitions for further hearing are received within 30 days from the date of republication of the application as provided above, or within such additional time as may be authorized by the Commission, the grant of authority made herein shall be considered as null and void, and the application shall stand denied in its entirety effective upon the expiration of the said compliance time.

By the Commission, Review Board No. 2.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-10567 Filed 7-10-72;8:51 am]

[No. MC-119864 (Sub-No. 45)]

HOFER MOTOR TRANSPORTATION CO., EXTENSION—FOOD PRODUCTS

Application for Certificate of Public Convenience and Necessity

JUNE 30, 1972.

At a Session of the Interstate Commerce Commission, Operating Rights Board, held at its office in Washington, D.C., on the 6th day of January, 1972.

It appearing, that by application filed August 9, 1971, Hofer Motor Transportation Co., a corporation, of Perrysburg, Ohio, seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, substantially of the commodities, and from and to the points substantially as indicated below;

It further appearing, that the application is unopposed, has not involved the taking of testimony at a public hearing, or the submission of evidence by opposing parties in the form of affidavits, and the public interest will best be served by disposition of the matter without issuance of a report and recommended order;

It further appearing, that the evidence indicates a need for the transportation of foodstuffs rather than food preparations; and that because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period

any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced;

And it further appearing, that the evidence submitted in the form of verified statements in support of the application amply warrants the grant of authority set forth below; which is phrased to conform to the evidence and current Commission practice; therefore:

We find, that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of food products (except in bulk), from Champaign, Ill., to points in Missouri, Michigan, Ohio, Indiana, Kentucky, West Virginia and those points in New York, Pennsylvania, and Maryland on and west of Interstate Highway 81 restricted to the transportation of traffic originating at Champaign, Ill., and destined to points in the States named above; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder and that an appropriate certificate should be issued; and that the application in all other respects should be denied.

It is ordered, That said application, except to the extent granted herein, be, and it is hereby, denied.

It is further ordered, That upon compliance by applicant with the requirements of sections 215, 217, and 221(c) of the Interstate Commerce Act, and with the Commission's rules and regulations thereunder, a certificate be issued to applicant authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle in the manner described above, subject to prior publication in the FEDERAL REGISTER of a notice of the authority actually granted.

It is further ordered, That unless compliance is made by applicant with the requirements of sections 215, 217, and 221(c) of the Act within 90 days after the date of service of this order, or within such additional time as may be authorized by the Commission, the grant of authority made herein shall be considered as null and void and the application shall stand denied in its entirety effective upon the expiration of the said compliance time.

And it is further ordered, That this order shall be effective on the date hereof.

By the Commission, Operating Rights Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-10568 Filed 7-10-72;8:51 am]

[Ex Parte MC-19 (Sub 15)]

TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

Practices of Motor Carriers of Household Goods; Reservation of Vehicle Space by Shippers

Order. At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 28th day of June 1972.

It appearing, that in the order heretofore entered in this proceeding the Commission prohibited household goods carriers from making estimates and/or charges based on the reservation of a portion of the space of a vehicle; and

It further appearing, that further consideration should be given to this order insofar as it applies to shipments of the type defined in 49 CFR 1056.1(a)(3), namely, "articles, including objects of art, displays, and exhibits, which because of their unusual nature of value require the specialized handling and equipment usually employed in moving household goods;" and good cause appearing therefor:

It is ordered, That this proceeding be, and it is hereby, reopened on our own motion for further proceeding in the manner hereinafter set forth solely with respect to shipments of the particular types of articles defined in § 1056.1(a)(3) of the regulations of the interstate Commerce Commission (49 CFR 1056.1(a)(3)), namely, "articles, including objects of art, displays, and exhibits, which because of their unusual nature or value require the specialized handling and equipment usually employed in moving household goods";

It is further ordered, That no oral hearing is contemplated but that parties may submit for consideration verified statements in support of their respective positions in the manner hereafter set forth;

It is further ordered, That the persons named in Appendix A be, and they are hereby, permitted to intervene with the right to appear and participate in all further proceedings;

It is further ordered, That in order to give the interested persons, not already parties an opportunity to participate in the matter, notice of this order shall be published in the FEDERAL REGISTER, with the provisions that such interested persons can become parties merely by indicating in writing their desire to participate before July 24, 1972;

It is further ordered, That after expiration of the date fixed for filing of intention to participate in the next preceding paragraph, the Commission shall prepare and make available to all parties to the proceeding a list containing the names and addresses of all parties upon whom all initial statements and replies thereto must be served, and at the time of service of the service list, the Commission will fix the time within which initial statements and replies thereto must be filed; and

It is further ordered, That orders heretofore entered in this proceeding on February 28, 1971, and April 27, 1971, remain in full force and effect as to all shipments other than those defined in 49 CFR 1056.1(a)(3), as more fully described above.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.72-10565 Filed 7-10-72;8:51 am]

[No. 35593, No. 20769, Docket No. 8720]

PERISHABLE FREIGHT AND ICING SERVICES, U.S. RAILROADS

Consolidation of Proceedings

JUNE 30, 1972.

At a Session of the Interstate Commerce Commission, Division 2, Acting as an Appellate Division, held in its office in Washington, D.C., on the 8th day of June 1972.

Petition for rejection of supplement 128 to National Perishable Freight Committee Protective Tariff 18, ICC 37 No. 35593. Charges for Protective Service to Perishable freight (215 ICC 684, 241 ICC 503, 253 ICC 351, 262 ICC 243, 275 ICC 751, 277 ICC 347 and 332 ICC 136) No. 20769. Icing services, U.S. railroads Investigation and Suspension Docket No. 8720.

Upon consideration of the records in the above-entitled proceedings; a petition filed May 11, 1972, by Jacob P. Billig and Terrence D. Jones, for and on behalf of Geo. A. Hormel & Co., Oscar Mayer & Co., John Morrell & Co., The Rath Packing Co., Wilson & Co., Inc., Wilson Certified Foods, Inc., Wilson-Sinclair Co., and Wilson Beef & Lamb Co., for reconsideration of the order dated April 5, 1972, served April 11, 1972, in Docket No. 35593, denying their previous petition for rejection of Supplement 128 to National Perishable Freight Committee Protective Tariff 18, ICC 37, canceling rates covering icing service; and of the reply to the petition filed May 31, 1972, by the railroad respondents;

It is ordered, That the petition for reconsideration be, and it is hereby, denied for the reason that sufficient grounds have not been presented to warrant granting the action sought.

And it is further ordered, That the proceeding in Docket No. 20769, Charges for Protective Service to Perishable Freight, be and it is hereby reopened to the extent it involves matters raised in Investigation and Suspension Docket No. 8720 Icing Services, U.S. railroads; and that the two proceeding be consolidated for disposition.

By the Commission, Division 2, acting as an Appellate Division.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-10566 Filed 7-10-72;8:51 am]

CUMULATIVE LIST OF PARTS AFFECTED—JULY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during July.

3 CFR

Page

PROCLAMATION:

- 4141 13157

EXECUTIVE ORDERS:

- 4202 (revoked in part by PLO 5224) 13543
- 5600 (revoked by PLO 5219) 13096
- 7623 (revoked by PLO 5219) 13096

5 CFR

- 213 .... 13333, 13465
- 550 13334
- 713 13334

6 CFR

- 101 13476
- 300 .... 13334, 13477
- 301 .... 13226, 13478

7 CFR

- 29 13521
- 210 13465
- 301 13239
- 406 13159
- 760 13082
- 791 13526
- 908 .... 13082, 13245, 13527
- 910 .... 13082, 13465
- 911 13466
- 916 13527
- 917 13083
- 918 13527
- 930 13083
- 948 13466
- 1421 13084
- 1427 13528
- 1871 13245
- 1872 13159

PROPOSED RULES:

- 35 13180
- 51 13267
- 922 13269
- 924 13269
- 925 13108
- 928 13480
- 930 13109
- 947 13553
- 980 13109
- 993 13110
- 1701 13180
- 1823 13555

9 CFR

- 72 13529
- 76 .... 13160, 13335
- 97 13335

10 CFR

- 11 13160

12 CFR

- 225 .... 13084, 13336
- 226 13246
- 527 13529
- 545 .... 13164, 13247
- 582 13166

PROPOSED RULES:

- 207 13112
- 220 13112
- 221 13112

12 CFR—Continued

Page

PROPOSED RULES—Continued

- 225 13484
- 226 13270
- 545 .... 13190, 13247
- 582 13191

14 CFR

- 39 .... 13084, 13247, 13248, 13336
- 61 13336
- 65 13251
- 71 .... 13085, 13168–13170, 13249, 13250, 13337, 13338, 13467, 13468, 13529
- 91 13251
- 95 13170
- 97 13338
- 288 13339

PROPOSED RULES:

- 39 13558
- 61 13189
- 63 13189
- 65 13189
- 71 .... 13350, 13558
- 91 13189
- 133 13189
- 137 13189
- 141 13189

15 CFR

- 1000 .... 13086, 13172

16 CFR

- 13 .... 13077, 13079–13081, 13173
- 501 13530

PROPOSED RULES:

- 423 13560

18 CFR

PROPOSED RULES:

- 154 13559
- 201 13559
- 260 13559

21 CFR

- 19 13339
- 27 13252
- 121 .... 13174, 13343
- 135b 13468, 13469
- 135e 13531
- 141e 13253
- 146e 13253
- 148i 13253, 13254
- 148r 13254

PROPOSED RULES:

- 3 13556
- 8 13181
- 141a 13182
- 146 13182
- 146a 13182
- 148i 13481
- 149e 13182
- 191 13270

24 CFR

- 1700 13097
- 1911 13098
- 1914 .... 13098, 13344
- 1915 .... 13099, 13345

24 CFR—Continued

Page

PROPOSED RULES:

- 203 .... 13185, 13186
- 221 13557

25 CFR

- 221 13174

26 CFR

- 1 .... 13254, 13531, 13533
- 31 13533

PROPOSED RULES:

- 1 13553
- 53 13553
- 194 13100
- 201 13100
- 250 13100
- 251 13100
- 301 13553

29 CFR

- 860 13345

PROPOSED RULES:

- 462 13269

31 CFR

- 210 13174
- 226 13174

32 CFR

- 809 13175
- 848 13469
- 935 .... 13175, 13470

33 CFR

- 3 13470
- 67 13512
- 80 13346
- 95 13346
- 117 13258
- 177 13346

PROPOSED RULES:

- 82 13557

35 CFR

- 253 13258

36 CFR

PROPOSED RULES:

- 3 13480

38 CFR

- 9 13091

39 CFR

- 775 13322

40 CFR

- 180 .... 13091, 13259, 13348, 13471

41 CFR

- 1–1 13092
- 1–3 13092
- 1–15 13094
- 3–6 13259
- 3–30 13260
- 9–4 13175

41 CFR—Continued

Page

9-5 13176
9-7 13176
9-15 13176
9-51 13176
9-53 13176
14H-1 13530
101-39 13096
103-27 13260
103-43 13260

PROPOSED RULES:

101-26 13484
101-33 13484
101-43 13484

42 CFR

57 13176

PROPOSED RULES:

51 13182

43 CFR

PUBLIC LAND ORDERS:

3835 (revoked in part by PLO 5222) 13097
5219 13096
5220 13096

43 CFR—Continued

PUBLIC LAND ORDERS—Continued

5221 13097
5222 13097
5223 13178
5224 13543

45 CFR

177 13530
234 13179

PROPOSED RULES:

131 13350

46 CFR

PROPOSED RULES:

25 13350
32 13557
33 13350
75 13350
92 13557
94 13350
180 13350
190 13557
192 13350

47 CFR

1 13544
73 .... 13179, 13545, 13547
81 13548

PROPOSED RULES:

73 13559
76 13559

49 CFR

1 13552
7 13552
394 13471
397 13471
571 .... 13097, 13265
1033 13334

PROPOSED RULES:

192 13351
571 .... 13350, 13481
574 13112

50 CFR

10 13472
28 .... 13097, 13476
32 13348
70 13349
258 13179

LIST OF FEDERAL REGISTER PAGES AND DATES—JULY

Pages	*Date*
13071-13150	July 1
13151-13232	4
13233-13325	6
13327-13458	7
13459-13514	8
13515-13601	11

federal register

TUESDAY, JULY 11, 1972
WASHINGTON, D.C.

Volume 37 ■ Number 133

PART II

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

■

CIRCULAR 570; 1972 REVISION

Surety Companies Acceptable on Federal Bonds

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circular 570; 1972 Rev.]

COMPANIES HOLDING CERTIFICATES OF AUTHORITY AS ACCEPTABLE SURETIES ON FEDERAL BONDS AND AS ACCEPTABLE REINSURING COMPANIES

July 1, 1972.

This circular is published annually, as of July 1, solely for the information of Federal bond-approving officers and persons required to give bonds to the United States. Copies of this circular may be obtained from: Audit Staff, Bureau of Accounts, Treasury Department, Washington, D.C. 20226. Telephone: (202) 964–5284. Interim changes in this circular are published in the Federal Register as they occur.

The following companies, except where otherwise noted, have complied with the law and the regulations of the Treasury Department and are acceptable as sureties on Federal bonds, to the extent and with respect to the localities indicated opposite their respective names.

John K. Carlock,
Fiscal Assistant Secretary.

[SEAL]

Companies Holding Certificates of Authority From Secretary of the Treasury Under Sections 6 to 13 of Title 6 of the United States Code as Acceptable Sureties on Federal Bonds (a)

Names of companies and locations of principal executive offices.	Underwriting limitations (net limit on any one risk). See footnote (b) (In thousands of dollars)	States and other areas in which licensed to transact surety business. See footnote (c)	State or other area in which incorporated and judicial districts in which process agents have been appointed. (State or other area of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
The Aetna Casualty and Surety Company, Hartford, Conn.	39,652	All	CONN.—All.
Aetna Fire Underwriters Insurance Company, Hartford, Conn.	670	All except Ala., C.Z., Del., Guam, La., Oreg., Puerto Rico, S.C., Virgin Islands, Wis.	CONN.—D.C., Md., wPa.
Aetna Insurance Company, Hartford, Conn.	16,121	All except C.Z., Guam	CONN.—All except C.Z., Guam, Hawaii, Virgin Islands.
Aetna Life and Casualty Company, Hartford, Conn.	111,334	Conn	CONN.—D.C.
Agricultural Insurance Company, Watertown, N.Y.	2,238	All except Alaska, C.Z., Guam, Puerto Rico, Virgin Islands.	N.Y.—All except Alaska, C.Z., Guam, Hawaii, seIll., Ind., Ky., Md., Miss., N.C., Okla., Puerto Rico, Tenn., Virgin Islands, W. Va.
Allegheny Mutual Casualty Company, Meadville, Pa.	104	Alaska, Fla., Ill., Ind., La., Md., Mich., N.J., Ohio, Pa., Wis.	PA.—D.C., sFla., nIll., Ind., Md., eMich., N.J., Ohio eVa., eWis.
Allied Fidelity Insurance Co., Indianapolis, Ind.	77	Ind., Ky	IND.—D.C.
Allied Insurance Company, Los Angeles, Cal.	504	All except C.Z., Guam, Hawaii, Puerto Rico, Vt., Virgin Islands.	CAL.—D.C., Tex.
Allied Mutual Insurance Company, Des Moines, Iowa.	2,595	Ariz., Colo., Idaho, Ill., Ind., Iowa, Kans., Minn., Mo., Mont., Nebr., N. Dak., Okla., Oreg., S.C., Tex., Utah, Wis., Wyo.	IOWA.—Ariz., Colo., D.C., Idaho, Kans., Minn., Nebr., N. Dak., Okla., S. Dak., Utah, Wyo.
Allied Surety Company, Portland, Me	41	Pa	PA.
Allstate Insurance Company, Northbrook, Ill.	89,049	All except C.Z., Guam, Virgin Islands	ILL.—cCal., Colo., Conn., D.C., mFla., nGa., sInd., Kans., eMich., sMiss., N.J., eN.Y., wN.C., nOhio, ePa., sTex., wVa., eWis.
American Agricultural Insurance Company, Park Ridge, Ill.	1,521	Ariz., Colo., Fla., Ga., Idaho, Ill., Ind., Iowa, N.M., N.C., Oreg., Pa., S.C., Tex., Wyo. (Reinsurance only in Kans., Mass., N.Y., Va.).	IND.
American Automobile Insurance Company, San Francisco, Cal.	6,492	All except C.Z., Guam, Puerto Rico, Virgin Islands	MO.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
American Bonding Company, Los Angeles, Cal.	81	Alaska, Ariz., Ark., Cal., Colo., D.C., Idaho, Iowa, Kans., Mo., Mont., Nebr., Nev., N. Mex., Oreg., Utah.	NEBR.—Alaska, Ariz., Ark., nesCal., Col., D.C., Idaho, Iowa, Mo., Nev., N. Mex., Oreg., wWash.
American Casualty Company of Reading Pennsylvania, Chicago, Ill.	4,216	All except C.Z., Guam, Virgin Islands	PA.—All except Guam, Virgin Islands.
American Credit Indemnity Company of New York, Baltimore, Md.	2,860	Cal., Colo., Conn., Del., Ill., Ind., Iowa, Ky., Me., Md., Mass., Minn., Mo., N.H., N.J., N. Mex., N.Y., N.C., Ohio, Okla., Pa., R.I., Vt., Wash., W. Va.	N.Y.—D.C.
American Economy Insurance Company, Indianapolis, Ind.	1,737	All except C.Z., Conn., Del., Guam, Hawaii, Mass., N.J., N.Y., Puerto Rico, R.I., S.C., Va., V rgin Islands.	IND.
American Employers' Insurance Company, Boston, Mass.	6,124	All except Guam	MASS.—All except Guam.
American Fidelity Company, Manchester, N.H.	511	Conn., Iowa, Me., Mass., Miss., N.H., R.I., Vt	VT.—All except C.Z., Guam, Kans., Puerto Rico, Virgin Islands.
American Fidelity Fire Insurance Company, Westbury, Long Island, N.Y.	493	All except Alaska, C.Z., Colo., Guam, Hawaii, Kans., Mo., Nebr., Virgin Islands.	N.Y.—Ariz., Cal., D.C., La., Mich., Nev., N. Mex., Oreg., Puerto Rico, eWash.
American Fire and Casualty Company, Hamilton, Ohio.	741	Ala., Ark., Colo., D.C., Fla., Ga., Kans., Ky., La., Md., Miss., Mo., N.C., Okla., S.C., Tenn., Tex., Va.	FLA.—Ala., Ark., Colo., D.C., Ga., Kans., Ky., La., Md., Miss., Mo., N.C., Okla., S.C., Tenn., Tex., Va.
American and Foreign Insurance Company, New York, N.Y.	1,744	All except C.Z., Del., Guam, La., Oreg., Puerto Rico, S.C., Va., Virgin Islands.	N.Y.—D.C., Tex.
American General Insurance Company, Houston, Tex.	38,270	Mich., Pa., Tex	TEX.—All except Guam, Puerto Rico, Virgin Islands.
American Guarantee and Liability Insurance Company, Chicago, Ill.	1,555	All except C.Z., Del., Guam, Hawaii, Puerto Rico, S.C.	NY.—Alaska, Cal., Conn., D.C., nFla., nsGa., nsIll., nInd., Me., Md., Mass., eMich., Minn., Mo., N.H., N.J., N. Mex., Ohio, Pa., nswTex., Vt.
American Home Assurance Company, New York, N.Y.	3,598	All except Ark., C.Z., Guam, Me., Oreg	N.Y.—D.C.
American Indemnity Company, Galveston, Tex.	612	Ala., Cal., Colo., D.C., Fla., Ga., Ill., Ind., Kans., Ky., La., Miss., Mo., Mont., N. Mex., N.C., Ohio, Okla., S.C., Tenn., Tex., Va., Wis., Wyo.	TEX.—All except Alaska, wArk., C.Z., Guam, Hawaii, wMich., nOkla., Puerto Rico, Virgin Islands, wVa.
The American Insurance Company, Principal Office: Newark, N.J. Home Office: San Francisco, Cal.	15,333	All except C.Z., Guam, Virgin Islands	N.J.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
American International Insurance Company, New York, N.Y.	254	All except C.Z., Del., Guam, Hawaii, N.H., Puerto Rico, Virgin Islands.	N.Y.—D.C.
American Manufacturers Mutual Insurance Company, Long Grove, Ill.	1,672	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	N.Y.—All except C.Z., Guam, Hawaii, eLa., eMo., Nev., Virgin Islands.
American Motorists Insurance Company, Long Grove, Ill.	3,335	All except Guam, Oreg., Virgin Islands	ILL.—All except C.Z., Guam, Hawaii, Nev., N. Mex., Virgin Islands.
American Mutual Liability Insurance Company, Wakefield, Mass.	5,080	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	MASS.—D.C.
American National Fire Insurance Company, Los Angeles, Cal.	518	All except C.Z., Conn., Guam, La., Me., Mich., N.J., Puerto Rico, S.C., Virgin Islands.	N.Y.—All.

See footnotes at end of table.

Companies Holding Certificates of Authority From Secretary of the Treasury Under Sections 6 to 13 of Title 6 of the United States Code as Acceptable Sureties on Federal Bonds(a)—Continued

Names of companies and locations of principal executive offices.	Underwriting limitations (net limit on any one risk). See footnote (b) (In thousands of dollars)	States and other areas in which licensed to transact surety business. See footnote (c)	State or other area in which incorporated and judicial districts in which process agents have been appointed. (State or other area of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
American Re-Insurance Company, New York, N.Y.	9,549	All except C.Z., Guam, Puerto Rico, Virgin Islands	N.Y.—All except Guam.
American States Insurance Company, Indianapolis, Ind.	5,957	All except C.Z., Conn., Del., Guam, Mass., N.Y., Puerto Rico, R.I., Va., Virgin Islands.	IND.—Alaska, Ariz., Cal., Colo., D.C., Idaho, Ill., Iowa, Kans., Ky., Mich., Mo., Mont., N. Mex., Ohio, Okla., Oreg., Pa., Tenn., Tex., Utah, Va., Wash., W. Va., Wis.
Argonaut Insurance Company, Menlo Park, Cal.	7,510	All except C.Z	CAL.—D.C., nGa., Idaho, eLa., Mont., Nev., Oreg., Utah.
Associated Indemnity Corporation, San Francisco, Cal.	1,663	All except C.Z., Guam, Virgin Islands	CAL.—All except Alaska, C.Z., Colo., Guam, Hawaii, Idaho, Iowa, La., Minn., Miss., N. Mex., newN.Y., N. Dak., neOla., Puerto Rico, S. Dak., Vt., wVa., Virgin Islands, W. Va., wWis., Wyo.
Atlantic Insurance Company, Dallas, Tex.	1,282	All except C.Z., Colo., Conn., Del., Guam, Hawaii, Idaho, Iowa, La., Me., Mass., Nebr., N.H., N.Y., N. Dak., Oreg., Puerto Rico, R.I., Vt., Virgin Islands, Wash., Wis., Wyo.	TEX.—All except Alaska, C.Z., Guam, Hawaii, eN.Y., Puerto Rico, Virgin Islands.
Atlantic Mutual Insurance Company, New York, N.Y.	5,964	All except Ala., C.Z., Guam, Hawaii, Virgin Islands	N.Y.—D.C.
Auto-Owners Insurance Company Lansing, Mich.	4,825	Ala., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., Mich., Minn., Mo., Nebr., N.C., N. Dak., Ohio, Pa., S.C., S. Dak., Tenn., Wis.	MICH.—D.C., nsFla., Ill., Ind., Iowa, Minn., Mo., N. Dak., Ohio, S. Dak.
Balboa Insurance Company, Newport Beach, Cal.	1,425	All except Ala., Ark., C.Z., Guam, Kans., La., Me., Mass., Miss., Nebr., N.H., N.J., N.C., N. Dak., Oreg., Puerto Rico, R.I., S.C., S. Dak., Tenn., Vt., Va., Virgin Islands, W. Va., Wis.	CAL.—D.C.
Bankers Multiple Line Insurance Company, Chicago, Ill.	583	All except C.Z., Del., Ga., Guam, Idaho, Kans., La., Me., Oreg., Puerto Rico, S.C., Tenn., Virgin Islands.	IOWA—D.C.
Bankers and Shippers Insurance Company of New York, Burlington, N.C.	523	All except C.Z., Conn., Guam, Hawaii, Puerto Rico, Virgin Islands.	N.Y.—mAla., Ariz., Ark., Del., D.C., nFla., nGa., sInd., sIowa, eKy., Me., Mass., Mich., Minn., sMiss., wMo., N.H., N.J., sOhio, wOkla., R.I., S. Dak., nwTex., Wyo.
Boston Old Colony Insurance Company, New York, N.Y.	787	All except C.Z., Guam	MASS.—Ala., Alaska., Ark., ncCal., Conn., Del., D.C., sFla., Ga., Hawaii, Idaho, Kans., La., Me., Md., Minn., Miss., eMo., Mont., Nebr., N. Mex., wseN.Y., N.C., S.C., Wyo.
The Buckeye Union Insurance Company, Columbus, Ohio.	6,709	D.C., Fla., Ill., Ind., Kans., Ky., Mich., Mo., N.Y., Ohio, Pa., Va., W. Va.	OHIO—D.C., Ill., Ind., Ky., Mich., Minn., Pa., eTenn., Va., W. Va.
The Camden Fire Insurance Association, Philadelphia, Pa.	4,860	Ala. (fidelity only), Alaska, Ariz., Cal., C.Z., Colo., Conn., D.C., Ill., Ind., Iowa, Kans., Ky., Md., Mass., Mich., Minn., Mo., Nev., N.J., N. Mex., N.Y., N.C., N. Dak., Ohio, Okla., Pa., R.I., S.C: (fidelity only), Utah, Vt., Va., W. Va., Wyo.	N.J.—D.C.
Capitol Indemnity Corporation, Madison, Wis.	199	Ariz., Ill., Iowa, La., Mich., Minn., N. Mex., N. Dak., Okla., Wis.	WIS.—D.C., nGa., Ill., sInd., Iowa, Mich., Minn., wMo.
Cascade Insurance Company, Tacoma, Wash.	938	Alaska, Ariz., Cal., Colo., D.C., Hawaii, Idaho, Ind., Minn., Mont., Nev., Oreg., Utah, Wash.	WASH.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
The Celina Mutual Insurance Company, Celina, Ohio.	569	Colo., Ill., Ind., Kans., Ky., Mich., Ohio, Pa., W. Va	OHIO—D.C.
Centennial Insurance Company, New York, N.Y.	1,925	All except Ala., C.Z., Guam, Virgin Islands	N.Y.—D.C.
Century Indemnity Company, Hartford, Conn.	563	All except Ala., C.Z., Del., Guam, Hawaii, Kans., La., Oreg., Puerto Rico, Virgin Islands.	CONN.—D.C. Md., wPa.
The Chater Oak Fire Insurance Company, Hartford, Conn.	2,100	All except C.Z., Guam, Virgin Islands	CONN.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
The Cincinnati Insurance Company, Cincinnati, Ohio.	1,664	Ala., Ariz., Fla., Ga., Ill., Ind., Ky., Mich., Ohio, Pa., Tenn.	OHIO—mAla., D.C., sFla., nGa., sInd., Ky.
Colonial Surety Company, Philadelphia, Pa.	270	Del., N.J., Pa	PA.—D.C.
Commercial Insurance Company of Newark, N.J., New York, N.Y.	3,174	All except C.Z., Guam, Puerto Rico, Virgin Islands	N.J.—All except Guam.
Commercial Standard Insurance Company, Fort Worth, Tex.	919	All except Alaska, C.Z., Conn., Del., Guam, Hawaii, Me., Mass., Mich., N.H., N.J., N.Y., Ohio, Pa., Puerto Rico, R.I., S.C., Vt., Virgin Islands, W. Va.	TEX.—All except Alaska, C.Z., Guam, Hawaii, Minn., Miss., Puerto Rico, S. Dak., Virgin Islands.
The Connecticut Indemnity Company, Hartford, Conn.	974	All except Alaska, C.Z., Del., Guam, Hawaii, Oreg., Puerto Rico, S.C., Virgin Islands.	CONN.—All except Alaska, cesCal., C.Z., Guam, Hawaii, Nev., Oreg., Virgin Islands, Wash.
Consolidated Insurance Company, Indianapolis, Ind.	293	Ill., Ind., Ky., Mich., Ohio	IND.—D.C., Ill., Ky., Mich., Ohio.
Consolidated Mutual Insurance Company, Brooklyn, N.Y.	1,499	All except Ala., Alaska, C.Z., Del., Guam, La	N.Y.—D.C.
Continental Casualty Company, Chicago, Ill.	29,504	All except Guam	ILL.—All except C.Z., Guam, Virgin Islands.
The Continental Insurance Company, New York, N.Y.	51,428	All	N.Y.—All except Guam.
Cornhusker Casualty Company, Omaha, Nebr.	165	Iowa, Nebr	NEBR.—D.C.
Cosmopolitan Mutual Insurance Company, New York, N.Y.	880	All except Alaska, Ariz., C.Z., Colo., Del., Guam, Hawaii, Idaho, Iowa, Kans., Minn., Miss., Mont., Nebr., Nev., N. Mex., N. Dak., Ohio, Oreg., S. Dak., Utah, Virgin Islands, Wash., Wyo.	N.Y.—D.C.
Cotton States Mutual Insurance Company, Atlanta, Ga.	837	Ala., Fla., Ga	GA.—Ala., D.C., Fla.
Cumis Insurance Society, Inc., Madison, Wis.	596	All except Guam	WIS.—nsAla., Colo., D.C., Fla., Ill., Md., Mich., Nev., Utah.
Dependable Insurance Company, Inc. Jacksonville, Fla.	172	Ala., Fla., Ga., Miss., Va	FLA.
Emmco Insurance Company, South Bend, Ind.	2,483	All except C.Z., Conn., Guam, Mass., Puerto Rico, Virgin Islands.	IND.—D.C.
Empire Fire and Marine Insurance Company, Omaha, Nebr.	156	Ala., Alaska, Ariz., Colo., Ga., Hawaii, Idaho, Ill., Ind., Iowa, Kans., Minn., Miss., Mo., Mont., Nebr., Nev., N. Mex., N. Dak., Okla., S. Dak., Utah, Vt., Wash., Wyo.	NEBR.—D.C.
Employers Commercial Union Insurance Company, Boston, Mass.* [1]	22,839	All except Guam	MASS.—All except C.Z., Guam.
The Employers' Fire Insurance Company, Boston, Mass.	2,494	All except Guam	MASS.—All except C.Z., Guam.
Employers Mutual Casualty Company, Des Moines, Iowa.	2,595	All except Ala., Hawaii, La., Oreg	IOWA—Alaska, Colo., D.C., Ill., Ind., Kans., Md., Minn., Miss., Mo., Nebr., N.C., N. Dak., Ohio, Okla., Oreg., Pa., S.C., S. Dak., Wis.

See footnotes at end of table.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM SECRETARY OF THE TREASURY UNDER SECTIONS 6 TO 13 OF TITLE 6 OF THE UNITED STATES CODE AS ACCEPTABLE SURETIES ON FEDERAL BONDS(a)—Continued

Names of companies and locations of principal executive offices.	Underwriting limitations (net limit on any one risk). See footnote (b) (In thousands of dollars)	States and other areas in which licensed to transact surety business. See footnote (c)	State or other area in which incorporated and judicial districts in which process agents have been appointed. (State or other area of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
Employers Mutual Liability Insurance Company of Wisconsin, Wausau, Wis.	13,726	All except C.Z., Virgin Islands	WIS.—D.C.
Employers Reinsurance Corporation, Kansas City, Mo.	6,169	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	MO.—All except Guam.
Farmers Alliance Mutual Insurance Company, McPherson, Kans.	950	Colo., Kans., Mo., Nebr. N. Mex., Okla., Tex., (reinsurance only in Ark., Idaho, Ill., Iowa, Md., Mass., Mich., N.H., N.J., N.Y., N.C., Ohio, Vt., W. Va., Wyo.).	KANS.—Colo., D.C., Mo., Nebr., N. Mex., Okla., nweTex.
Farmers Elevator Mutual Insurance Company, Des Moines, Iowa.	790	Colo., Ill., Iowa, Kans., Minn., Mo., Nebr., N. Dak., Okla., S. Dak., Tex., Wyo.	IOWA—Colo., D.C., Ill., Kans., Nebr., Okla., S. Dak.
Farmers Home Mutual Insurance Company, Minneapolis, Minn.	846	Alaska, Ariz., Cal., Colo., Idaho, Iowa, Minn., Mont., Nev., N. Dak., Oreg., S. Dak., Utah, Wash., Wis., Wyo.	MINN.—Cal., D.C.
Farmers Mutual Hail Insurance Company of Iowa, Des Moines, Iowa.	1,817	Iowa	IOWA—D.C.
Federal Insurance Company, New York, N.Y.	19,189	All	N.J.—All.
Federated Mutual Insurance Company, Owatonna, Minn.	2,450	All except Alaska, C.Z., Del., Guam, Me., Puerto Rico, Virgin Islands.	MINN.—Ala., Ark., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., Miss., Mo., Mont., Nebr., N.C., N. Dak., Okla., S.C., S. Dak., Tenn., Va., W. Va., Wis.
The Fidelity and Casualty Company of New York, New York, N.Y.	7,361	All except Guam, Virgin Islands	N.Y.—All except Guam, Hawaii, Virgin Islands.
Fidelity and Deposit Company of Maryland, Baltimore, Md.	10,172	All except Guam	MD.—All except Guam.
Fireman's Fund Insurance Company, San Francisco, Cal.	45,569	All except C.Z	CAL.—All.
Fireman's Fund Insurance Company of Illinois, San Francisco, Cal.	511	Alaska, Ill	ILL.—D.C.
Firemen's Insurance Company of Newark, New Jersey, New York, N.Y.	18,318	All except C.Z., Guam, Puerto Rico, Virgin Islands	N.J.—All except C.Z.
First Insurance Company of Hawaii, Ltd., Honolulu, Hawaii.	1,110	Cal., Guam, Hawaii, Oreg	HAWAII—D.C.
First National Insurance Company of America, Seattle, Wash.	1,609	All except C.Z., Conn., Del., Guam, Hawaii, N.H., Puerto Rico, Vt., Virgin Islands.	WASH.—All except C.Z., Del., Guam, Hawaii, La., Me., N.H., Puerto Rico, Vt., Virgin Islands.
General Fire and Casualty Company, Carle Place, N.Y.	793	All except C.Z., Puerto Rico	N.Y.—D.C.
General Insurance Company of America, Seattle, Wash.	18,773	All except Virgin Islands	WASH.—All except Virgin Islands.
General Reinsurance Corporation, New York, N.Y.	18,384	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	N.Y.—All except C.Z., Guam, Virgin Islands.
The Glens Falls Insurance Company, New York, N.Y.	6,766	All except C.Z., Guam, Virgin Islands	N.Y.—D.C.
Globe Indemnity Company, New York, N.Y.	7,584	All except C.Z., Guam, Puerto Rico, Virgin Islands	N.Y.—All except Alaska, Guam, Virgin Islands.
Grain Dealers Mutual Insurance Company, Indianapolis, Ind.	964	All except Ala., Alaska, C.Z., Conn., Del., D.C., Fla., Guam, Hawaii, Idaho, Me., Md., Mass., Mont., N.H., N. Dak., Oreg., Puerto Rico, R.I., S.C., Tenn., Utah, Vt., Virgin Islands.	IND.—eArk., Colo., D.C., Ill., Iowa, Kans., Nebr., Ohio, wOkla.
Granite State Insurance Company, Manchester, N.H.	592	All except C.Z., Conn., Del., Guam, Hawaii, Idaho, Oreg., Puerto Rico, Virgin Islands.	N.H.—All except Guam, Puerto Rico.
Great American Insurance Company, Los Angeles, Cal.	14,282	All except C.Z	N.Y.—All.
Great Northern Insurance Company, Minneapolis, Minn.	933	Ariz., Colo., Ill., Ind., Iowa, Minn., Mo., Mont., Nebr., Nev., N. Mex., N.Y., N. Dak., S. Dak., Vt., Wis., Wyo.	MINN.—D.C., nsIll., Iowa, Mo., Mont., N. Dak., S. Dak., Wis.
Greater New York Mutual Insurance Company, New York, N.Y.	3,419	All except Alaska, Ark., C.Z., Del., Guam, Hawaii, La., S.C., Virgin Islands.	N.Y.—D.C.
Gulf American Fire and Casualty Company, Montgomery, Ala.	247	Ala., Fla., Ga., La., Miss., S.C., Tenn	ALA.—Alaska, D.C., mnGa., sMiss.
Gulf Insurance Company, Dallas, Tex	4,483	All except C.Z., Conn., Del., Guam, Idaho, Puerto Rico, Virgin Islands.	MO.—All except C.Z., Guam, Hawaii, N.J., eN.Y., Puerto Rico, Virgin Islands.
The Hamilton Mutual Insurance Company of Cincinnati, Ohio, Cincinnati, Ohio.	424	Ind., Ky., Mich., Ohio	OHIO—D.C.
The Hanover Insurance Company, Worcester, Mass.	5,880	All except C.Z., Guam, Puerto Rico, Virgin Islands	N.Y.—All except Guam.
Hartford Accident and Indemnity Company, Hartford, Conn.	22,270	All except Guam	CONN.—All except Guam, Virgin Islands.
Hartford Casualty Insurance Company, Hartford, Conn. *3	3,461	All except C.Z., Guam, Puerto Rico, Virgin Islands	N.J.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
Hartford Fire Insurance Company, Hartford, Conn.	70,331	All except C.Z	CONN.—Ariz., Cal., D.C., Guam, Hawaii, La., N.Y., Va.
Hawkeye-Security Insurance Company, Des Moines, Iowa.	1,229	Ariz., Colo., D.C., Idaho, Ill., Ind., Iowa., Kans., Md., Mich., Minn., Mo., Mont., Nebr., Nev., N.J., N. Mex., N. Dak., Ohio, Okla., Pa., S. Dak., Tex., Utah, Va., Wis., Wyo.	IOWA.—Colo., D.C., nsFla., Ill., sInd., Kans., wMich., Mo., Nebr., N. Mex., S. Dak., Wyo.
Highlands Insurance Company, Houston, Tex.	3,229	All except C.Z., Guam, Hawaii, N.H., Puerto Rico, Virgin Islands.	TEX.—All except nsAla., wArk., esCal., C.Z., Conn., Del., nsFla., msGa., Guam, Hawaii, esIll., nInd., nIowa, Ky., Mass., wMich., nMiss., wMo., Nev., N.H., nweN.Y., N.C., neOkla., mPa., Puerto Rico, R.I., wmTenn., wVa. Virgin Islands, eWash., nW. Va., eWis.
Highlands Underwriters Insurance Company, Houston, Tex.	243	Ark., Cal., La., Tex	TEX.—D.C.
The Home Indemnity Company, New York, N.Y.	4,277	All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	N.Y.—All except Alaska, Guam, Hawaii, Puerto Rico, Virgin Islands.
The Home Insurance Company, New York, N.Y.	22,122	All except C.Z	N.Y.—Alaska, D.C., Guam, wPa., Puerto Rico, S.C.
Houston General Insurance Company, Fort Worth, Tex. *2	461	All except Ala., Alaska, C.Z., Conn., Del., Guam, Hawaii, Me., Md., Mass., Mich., Mont., N.H., N.J., N.Y., N.C., Oreg., Puerto Rico, R.I., S.C., Vt., Virgin Islands, Wash., W. Va., Wis., Wyo.	TEX.—Ala., Ariz., Ark., Cal., Colo., D.C., Fla., Ga., Idaho, Ill., Ind., Iowa, Kans., Ky., La., Minn., Miss., Nebr., Nev., N. Mex., N. Dak., Ohio, Okla., Pa., S. Dak., Tenn., Utah, Va.
Hudson Insurance Company, New York, N.Y.	495	N.Y	N.Y.—D.C.
Illinois National Insurance Co., Springfield, Ill.	800	Ill., Ind., Iowa., Ky., Mo., Nebr., N. Mex., Ohio, Tex	ILL.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
Imperial Insurance Company, Los Angeles, Cal.	472	Ariz., Cal., Hawaii, Ind., Iowa, La., Minn., Mont., Nebr., N. Mex., Nev., N.Y., Okla., Oreg., Va., Wash.	CAL.—D.C.
Indiana Bonding and Surety Company, Indianapolis, Ind.	101	Ind	IND.—D.C.

See footnotes at end of table.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM SECRETARY OF THE TREASURY UNDER SECTIONS 6 TO 13 OF TITLE 6 OF THE UNITED STATES CODE AS ACCEPTABLE SURETIES ON FEDERAL BONDS(a)—Continued

Names of companies and locations of principal executive offices.	Underwriting limitations (net limit on any one risk). See footnote (b) (In thousands of dollars)	States and other areas in which licensed to transact surety business. See footnote (c)	State or other area in which incorporated and judicial districts in which process agents have been appointed. (State or other area of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
Indiana Insurance Company, Indianapolis, Ind.	1,557	Ill., Ind., Ky., Mich., Ohio	IND.—D.C., Ill., Ky., Mich., Ohio.
Industrial Indemnity Company, San Francisco, Cal.	4,751	All except C.Z., Conn., N.Y., N. Dak., Ohio, Puerto Rico, Virgin Islands, W. Va.	CAL.—Alaska, Ariz., eArk., Colo., D.C., sFla., nGa., Hawaii, Idaho, nIll., sInd., eLa., Md., eMich., eMo., Mont., Nebr., Nev., N.J., N. Mex., mN.C., wOkla., Oreg., S. Dak., eTenn., Tex., Utah, Wash., Wyo.
Inland Insurance Company, Lincoln, Nebr.	464	Colo., Iowa., Kans., Minn., Nebr., Okla., S. Dak., Wyo.	NEBR.—Ariz., Ark., Colo., D.C., Ill., Iowa, Kans., Ky., Minn., eMo., Mont., Nev., N. Mex., N. Dak., Ohio, Okla., Oreg., S. Dak., Tex., Utah, Wash., Wyo.
Insurance Company of North America, Philadelphia, Pa.	58,149	All	PA.—All.
The Insurance Company of the State of Pennsylvania, New York, N.Y.	841	Ala. (except official), Alaska, Ariz., Cal., Colo., Conn., Del., D.C., Fla., Ga., Hawaii, Ill., Ind., Iowa, Kans., Ky., La., Md., Mass., Mich., Minn., Miss., Mo., Mont., Nebr., Nev., N.H., N.J., N. Mex., N.Y., N.C., N. Dak., Ohio, Okla., Pa., R.I., S.C., (fidelity only), S. Dak., Tenn., Tex., Utah, Vt., Va., Wash., W. Va., Wis., Wyo.	PA.—D.C.
Integrity Mutual Insurance Company, Appleton, Wis.	245	Minn., Wis	WIS.—D.C., Kans., Minn., wMo., N. Dak.
International Fidelity Insurance Company, Newark, N.J.	85	Alaska, Ariz., Del., Ill., Mass., Mich., Nev., N.J., N. Mex., N.Y., Okla., Oreg., Pa., Tex.	N.J.—Ariz., Del., D.C., Ga., nIll., sInd., nIowa, Md., Mass., Minn., Nev., seN.Y., N. Dak., nwOkla., S. Dak., nTex., Wyo.
International Insurance Company, Morristown, N.J.	1,570	All except C.Z., Del., Guam, Hawaii, La., Miss., Oreg., S.C., Virgin Islands.	N.Y.—All except Alaska, C.Z., Conn., Del., Guam, Me., Md., Mass., N.H., N.J., Ohio, Pa., Puerto Rico, R.I., eTenn., Vt., Virgin Islands, W. Va.
International Service Insurance Company, Fort Worth, Tex.	876	Alaska, Cal., C.Z., Nebr., N. Mex., Tex	TEX.—D.C.
Iowa Mutual Insurance Company, DeWitt, Iowa.	792	Colo., Ill., Iowa, Kans., Minn., Mont., Nebr., N.C., N. Dak., Okla., S.C., S. Dak., Wash., Wis., Wyo.	IOWA—nAla., Colo., D.C., sIll., Kans., Minn., Mont., Nebr., wN.C., wOkla., Oreg., S. Dak.
Jersey Insurance Company of New York, New York, N.Y.	1,126	All except Ariz., C.Z., Del., Guam, Hawaii, N.H., N. Mex., Puerto Rico, Virgin Islands, Wyo.	N.Y.—mAla., Ariz., Ark., D.C., nFla., nGa., sInd., sIowa, eKy., Mass., Mich., Minn., sMiss., wMo., N.J., Ohio, wOkla., R.I., S. Dak., nwTex.
John Deere Insurance Company, Moline, Ill.	313	All except Del., Virgin Islands	N.Y.—All except Ala., C.Z., Del., Guam, Idaho, Puerto Rico, Virgin Islands, sW. Va.
The Kansas Bankers Surety Company, Topeka, Kans.	92	D.C., Kans	KANS.—D.C.
Kansas City Fire and Marine Insurance Company, New York, N.Y.	700	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	MO.—Ala., Alaska, Ark., Col., D.C., nsFla., Ga., Ill., Iowa, Kans., Minn., Nebr., Okla., S.C., Tex., Va., Wis. Wyo.
Lawyers Surety Corporation, Dallas, Tex.	106	Tex	TEX.—D.C.
Leatherby Insurance Company, Fullerton, Cal.	2,516	Cal., Colo., Fla., Minn., N.J., N.Y., Va	N.Y.—Cal., D.C.
Liberty Mutual Insurance Company, Boston, Mass.	24,222	All	MASS.—All except C.Z., Guam.
London Guarantee & Accident Company, of New York, New York, N.Y.	1,826	All except Alaska, Ariz., C.Z., Conn., Guam, Idaho, Kans., La., N. Dak., Oreg., Puerto Rico, Virgin Islands.	N.Y.—D.C.
Lumbermens Mutual Casualty Company, Long Grove, Ill.	12,159	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	ILL.—All except C.Z., Guam, Hawaii, Virgin Islands.
Maine Bonding and Casualty Company, Portland, Me.	638	Me., Mass., N.H., R.I., Vt	ME.—Conn., D.C., Mass., N.H., R.I., Vt.
The Manhattan Fire and Marine Insurance Company, Stamford, Conn.	404	All except Alaska, C.Z., Conn., Del., Guam, La., Oreg., Puerto Rico, S.C., Tenn., Virgin Islands.	N.Y.—D.C.
Maryland American General Insurance Company, Houston, Tex.	1,159	N. Mex., Tex	TEX.—D.C., La., N. Mex., Okla.
Maryland Casualty Company, Baltimore, Md.	13,343	All except Guam	MD.—All except Guam.
Massachusetts Bay Insurance Company, Worcester, Mass.	435	All except Ala., Alaska, Ariz., Ark., C.Z., Conn., Del., Guam, Hawaii, Idaho, Ky., La., Miss., Mont., Nev., N. Mex., N. Dak., Oreg., Puerto Rico, S. Dak., Utah, Va., Virgin Islands, W. Va.	MASS.—Colo., D.C., nFla., Ga., Ind., Iowa, Kans., Ky., Me., Md., wMich., N.H., Okla., wePa., R.I., S.C., Tenn., Tex., Vt., Wash., Wis., Wyo.
Merchants Mutual Bonding Company, Des Moines, Iowa.	47	Ariz., Iowa, Kans., Mont., Nebr., N. Dak., Okla., S. Dak., Tex.	IOWA—D.C., sIll., Nebr., wOkla.
Michigan Millers Mutual Insurance Company, Lansing, Mich.	1,701	All except Ala., Alaska, Ariz., C.Z., Ga., Guam, Hawaii, Idaho, La., Nev., N. Mex., Oreg., Puerto Rico, Virgin Islands, W. Va., Wyo.	MICH.—eArk., Cal., Colo., D.C., Ill., Ind., Iowa, Kans., eKy., Minn., Miss., Mo., Mont., Nebr., nwN.Y., N. Dak., Ohio, wOkla., S. Dak., wmTenn., Utah, wWash.
Mid-Century Insurance Company, Los Angeles, Cal.	1,309	All except Ala., Alaska, C.Z., Conn., Del., D.C., Guam, Hawaii, Ky., La., Me., Md., Mass., Miss., N.H., N.J., N.Y., N.C., Pa., Puerto Rico, R.I., S.C., Tenn., Va., Virgin Islands, W. Va.	CAL.—Ariz., Ark., Colo., D.C., Idaho, Ill., Ind., Iowa, Kans., Mich., Minn., Mo., Mont., Nebr., Nev., N. Mex., N. Dak., Okla., Oreg., S. Dak., Tex., Utah, Wash., Wis., Wyo.
Midland Insurance Company, New York, N.Y.	928	All except C.Z., Conn., Guam, Hawaii, Virgin Islands.	N.Y.—D.C., Kans., Nebr.
Mid-States Insurance Company, Chicago, Ill.	221	Ala., Ariz., Cal., Colo., Ga., Idaho. Ill., Ind., Ky., La., Mich., Minn., Miss., Nebr., Nev., N. Mex., N.C., Ohio, Okla., S.C., Tenn., Tex., Utah, Wash., Wis.	ILL.
Midwestern Casualty & Surety Company, West Des Moines, Iowa	72	Iowa	IOWA—D.C.
The Millers Casualty Insurance Company of Texas, Fort Worth, Tex.	201	Ark., Colo., D.C., Idaho, La., Miss., Mo., Mont., N. Mex., Okla., Tex., Wyo.	TEX.—Ark., D.C., Fla., La., Miss., Mo., N. Mex., Okla.
The Millers Mutual Fire Insurance Company of Texas, Forth Worth, Tex.	917	All except Alaska, C.Z., Conn., Del., Guam, Hawaii, Me., Md., Nev., N.H., N.C., Puerto Rico, R.I., S.C., Vt., Va., Virgin Islands, W. Va.	TEX.—All except Ala., Alaska, C.Z., Conn., Del., Guam, Hawaii, Idaho, Me., Md., Nev., N.H., N.C., Puerto Rico, R.I., S.C., Vt., Va., Virgin Islands, eWash., W. Va., Wyo.
Millers' Mutual Insurance Association, of Illinois, Alton, Ill.	2,237	All except Ala., Alaska, Ariz., Cal., C.Z., Conn., Del., D.C., Guam, Hawaii, Idaho, Ky., La., Me., Mass., Miss., Nebr., Nev., N.H., N. Mex., Oreg., Puerto Rico, R.I., Tenn., Utah, Virgin Islands.	ILL.—nmAla., Ark., Colo., D.C., Ind., Iowa, Kans., Minn., Mo., Mont., N. Dak., S. Dak.
Millers National Insurance Company, Chicago, Illinois	584	All except Alaska, C.Z., Colo., Conn., Del., Guam, Hawaii, La., Me., Miss., Nev., N.H., Puerto Rico, Vt., Virgin Islands, Wyo.	ILL.—Ariz., sCal., Colo., D.C., Ind., Iowa, Kans., Ky., Mass., Mich., Minn., Mo., Mont., Nev., N. Mex., N. Dak., R.I., S. Dak., nwsTex., Utah, wWis., Wyo.
Mission Insurance Company, Los Angeles, Cal.	1,985	Alaska, Ariz., Cal., Colo., Hawaii, Iowa, Mo., Mont., N. Mex., Okla., Oreg., Tex., Wash.	CAL.—D.C.
National Automobile and Casualty Insurance Company, Los Angeles, Cal.	375	Alaska, Ariz., Cal., Colo., Hawaii, Idaho, Ill., Ind., Kans., Ky., La., Mich., Mo., Mont., Nev., N. Mex., Okla., Oreg., Tenn., Tex., Utah, Wash., Wyo.	CAL.—All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
National-Ben Franklin Insurance Company of Illinois, New York, N.Y.	2,317	Ill., Ind., Iowa, Ky., Minn., N.Y., N. Dak., Wis	ILL.

See footnotes at end of table.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM SECRETARY OF THE TREASURY UNDER SECTIONS 6 TO 13 OF TITLE 6 OF THE UNITED STATES CODE AS ACCEPTABLE SURETIES ON FEDERAL BONDS(a)—Continued

Names of companies and locations of principal executive offices.	Underwriting limitations (net limit on any one risk). See footnote (b) (In thousands of dollars)	States and other areas in which licensed to transact surety business. See footnote (c)	State or other area in which incorporated and judicial districts in which process agents have been appointed. (State or other area of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
National Casualty Company, Detroit, Mich.	1,000	All except C.Z., Guam, Me., Miss., Puerto Rico, Virgin Islands.	MICH.—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
National Fire Insurance Company of Hartford, Chicago, Ill.	11,636	All except C.Z., Guam, Virgin Islands	CONN.—All except Ariz., C.Z., Guam, Nev., Virgin Islands.
National Grange Mutual Insurance Company, Keene, N.H.	2,886	Conn., Del., D.C., Ill., Ind., Me., Md., Mass., Mich., N.H., N.J., N.Y., N.C., Ohio, Pa., R.I., S.C., Tenn., Vt., Va., W. Va., Wis.	N.H.—All except Alaska, C.Z., Guam, Hawaii, Virgin Islands.
National Indemnity Company, Omaha, Nebr.	2,381	All except C.Z., Guam, Hawaii, Mass., N.H., N.J., N.Y., Puerto Rico, Vt., Virgin Islands.	NEBR.—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
The National Reinsurance Corporation, New York, N.Y.	4,373	All except Ala., C.Z., Conn., Fla., Ga., Guam, La., Me., Miss., Mo., N.C., Oreg., Puerto Rico, S.C., S. Dak., Tenn., Va., Virgin Islands.	N.Y.—D.C., sOhio.
National Standard Insurance Company, Houston, Tex.	345	La., N. Mex., Tex	TEX.—D.C.
National Surety Corporation, Principal Office: New York, N.Y. Home Office: San Francisco, Cal.	7,593	All except Guam, Puerto Rico, Virgin Islands	N.Y.—All except Guam.
National Union Fire Insurance Company of Pittsburgh, Pa., New York, N.Y.	2,893	All except C.Z., Guam, Puerto Rico, Virgin Islands	PA.—All except Alaska, C.Z., Guam, Puerto Rico, Virgin Islands.
Nationwide Mutual Insurance Company, Columbus, Ohio	15,120	All except C.Z., Guam, Hawaii	OHIO—D.C.
New Hampshire Insurance Company, Manchester, N.H.	7,114	All except C.Z., Guam, Virgin Islands	N.H.—All except Guam.
New York Underwriters Insurance Company, Hartford, Conn.	2,537	All except C.Z., Guam, Puerto Rico, Virgin Islands	N.Y.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
Newark Insurance Company, New York, N.Y.	2,248	All except C.Z., Guam, Oreg., Puerto Rico, Virgin Islands.	N.J.—All except Alaska, nCal., C.Z., Guam, Hawaii, Idaho, Virgin Islands, Wyo.
Niagara Fire Insurance Company, New York, N.Y.	1,948	All except C.Z., Guam	N.Y.—All except C.Z., Guam.
North American Reinsurance Corporation, New York, N.Y.	5,410	All except C.Z., Guam, Puerto Rico, Virgin Islands	N.Y.—All except C.Z., Guam, Puerto Rico, Virgin Islands
The North River Insurance Company, Morristown, N.J.	5,236	All except C.Z., Guam, Virgin Islands	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
The Northern Assurance Company of America, Boston, Mass.	1,809	All except Guam	MASS.—All except C.Z., Guam, Virgin Islands, sW. Va.
Northern Insurance Company of New York, Baltimore, Md.	4,527	All except C.Z., Guam, Hawaii, La., Oreg., Puerto Rico, Virgin Islands.	N.Y.—D.C., Me.
Northwestern National Casualty Company, Milwaukee, Wis.	977	All except Alaska, Ark., C.Z., Conn., Del., Guam, Hawaii, Idaho, La., Me., Mass., Miss., Nev., N.H., N.J., N.Y., N.C., N. Dak., Oreg., Puerto Rico, S.C., Tenn., Utah, Vt., Va., Virgin Islands.	WIS.—nsAla., Ariz., Cal., Colo., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., Md., Mich., Minn., Mo., Mont., Nebr., N. Mex., Ohio, Okla., Pa., R.I., S. Dak., nesTex., Wash., W. Va., Wyo.
Northwestern National Insurance Company of Milwaukee, Wisconsin, Milwaukee, Wis.	4,951	All except C.Z., Guam, Virgin Islands	WIS.—All except C.Z., Guam, Virgin Islands.
The Ohio Casualty Insurance Company, Hamilton, Ohio	7,814	All except C.Z., Guam, Puerto Rico, Virgin Islands	OHIO—All except C.Z., Guam.
Ohio Farmers Insurance Company, Westfield Center, Ohio	3,289	All except Alaska, C.Z., Guam, Hawaii, Kans., La., Me., Puerto Rico, Virgin Islands.	OHIO—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
Oklahoma Surety Company, Tulsa, Okla.	75	Okla	OKLA.—D.C.
Oregon Automobile Insurance Company, Portland, Oreg.	1,313	Cal., Idaho, Nev., Oreg., Utah, Wash	OREG.—Cal., D.C., Hawaii, Idaho, Nev., Utah, Wash.
Pacific Employers Insurance Company, Los Angeles, Cal.	2,750	All	CAL.—Ariz., Conn., Del., D.C., sFla., wKy., Md., Mass., N. Mex., N.Y., Ohio, R.I., wTex., W. Va., Wis.
Pacific Indemnity Company, Los Angeles, California	4,973	All except C.Z., Guam, Virgin Islands	CAL.—All except Conn., Guam, Me., N.H., Vt., Virgin Islands.
Pacific Insurance Company, New York, N.Y.	3,443	Alaska, Ariz., Ark., Cal., Colo., D.C., Fla., Hawaii, Idaho, Ill., Ind., Iowa, Mich., Mont., Nev., N.J., N. Mex., N.Y., N.C., Okla., Tex., Utah, Va., Wash., Wyo.	CAL.—D.C.
Pacific Insurance Company, Limited, Honolulu, Hawaii	1,408	Guam, Hawaii	HAWAII—D.C.
Parliament Insurance Company, Chicago, Ill.	321	Ariz., Fla., Ill., Mo	ILL.
Peerless Insurance Company, Keene, N.H.	1,225	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	N.H.—All except Guam, Hawaii, Virgin Islands.
Pekin Insurance Company, Pekin, Ill	198	Ill., Ind., Iowa	ILL.—D.C., Ind., Iowa.
Pennsylvania Manufacturers' Association Insurance Company, Philadelphia, Pa.	3,374	Del., D.C., Md., N.J., N.Y., Ohio, Pa., W. Va	PA.—D.C.
Pennsylvania Millers Mutual Insurance Company, Wilkes-Barre, Pa.	1,362	D.C., Pa	PA.—D.C.
Pennsylvania National Mutual Casualty Insurance Company, Harrisburg, Pa.	2,379	All except Alaska, Ariz., Cal., C.Z., Colo., Conn., Guam, Hawaii, Idaho, Ill., Me., Mass., Nev., N.H., N. Mex., N.Y., N. Dak., Oreg., Puerto Rico, S. Dak., Virgin Islands, Wash., Wyo.	PA.—D.C., Kans., Md., Mo., N.J., N.C., Okla., Tenn., Va.
Phoenix Assurance Company of New York, New York, N.Y.	3,504	All except C.Z., Guam, Virgin Islands	N.Y.—All except Alaska, C.Z., Guam, Puerto Rico, Virgin Islands.
The Phoenix Insurance Company, Hartford, Conn.	18,600	All except C.Z., Guam, Puerto Rico	CONN.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
Planet Insurance Company, Philadelphia, Pa.	2,742	All except C.Z., Conn., Guam, Hawaii, Md., Puerto Rico, Virgin Islands.	WIS.—All except C.Z., Guam, Virgin Islands.
Potomac Insurance Company, Philadelphia, Pa.	8,916	Ala. (fidelity only), Ariz., Cal., Colo., Conn., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., La., Md., Mass., Mich., Minn., Miss., Mo., Nebr., N.J., N. Mex., N.Y., N.C., Ohio, Okla., Oreg., Pa., R.I., S.C. (fidelity only), Tenn., Tex., Utah, Va., Wash., W. Va., Wis., Wyo.	PA.—All except Ala., Alaska, Ark., C.Z., Del., Guam, Hawaii, Idaho, Me., Mont., Nev., N.H., N. Dak., Oreg., Puerto Rico, S. Dak., Vt., Virgin Islands.
Protective Insurance Company, Indianapolis, Ind.	528	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	IND.—D.C.
The Prudential Insurance Company of Great Britain Located in New York, New York, N.Y.	964	Cal., N.Y	N.Y.—D.C.
Public Service Mutual Insurance Company, New York, N.Y.	1,914	Conn., Del., D.C., Fla., Ga., Idaho, Ill., Iowa, Me., Md., Mass., Mich., N.H., N.J., N.Y., N.C., Pa., R.I., Vt., Va., W. Va., Wis.	N.Y.—D.C., sFla., N.J., ePa., wTex.

*See footnotes at end of table.

Companies Holding Certificates of Authority From Secretary of the Treasury Under Sections 6 to 13 of Title 6 of the United States Code as Acceptable Sureties on Federal Bonds(a)—Continued

Names of companies and locations of principal executive offices.	Underwriting limitations (net limit on any one risk). See footnote (b) (In thousands of dollars)	States and other areas in which licensed to transact surety business. See footnote (c)	State or other area in which incorporated and judicial districts in which process agents have been appointed. (State or other area of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
Puerto Rican-American Insurance Company, San Juan, Puerto Rico	636	Puerto Rico, Virgin Islands	PUERTO RICO—D.C.
The Reinsurance Corporation of New York, New York, N.Y.	3,502	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands. (In Fla., Mass., Va., licensed for co-surety only.)	N.Y.—D.C.
Reliance Insurance Company, Philadelphia, Pa.	21,829	All except Guam	PA.—All except Guam.
Republic Insurance Company, Dallas, Tex.	4,722	All except Ala., Alaska, C.Z., Fla., Guam, Hawaii, Ky., La., Me., Mass., Mont., Nev., N.H., N. Dak., Ohio, Okla., R.I., S.C., S. Dak., Vt., Virgin Islands, Wyo.	TEX.—D.C.
Reserve Insurance Company, Chicago, Ill.	2,322	All except C.Z., Conn., Guam, N.Y., Puerto Rico, Virgin Islands.	ILL.—All except C.Z., Conn., Guam, Hawaii, N.Y., Puerto Rico, Virgin Islands.
Resolute Insurance Company, Hartford, Conn.	1,161	All except C.Z., Guam, N.Y., Pa., Puerto Rico, Virgin Islands.	R.I.—All except wArk., C.Z., mGa., Guam, Hawaii, La., Me., wMich., nMiss., nwN.Y., N.C., Oreg., Puerto Rico, S.C., S. Dak., weTenn., Utah, Vt., wVa., Virgin Islands, nW. Va., wWis.
Royal Globe Insurance Company, New York, N.Y.*4	5,608	All except C.Z., Guam, Oreg., Puerto Rico, Virgin Islands	ILL.
Royal Indemnity Company, New York, N.Y.	5,885	All	N.Y.—All except Guam, Virgin Islands.
Rural Mutual Insurance Company, Madison, Wis.	600	Wis	WIS.—D.C.
Safeco Insurance Company of America, Seattle, Wash.	13,478	Ala. (fidelity only), Ariz., Ark., Cal., Colo., Conn., D.C. (fidelity only), Idaho, Ill., Ind., Iowa, Kans., Md. (fidelity only), Minn., Miss. (fidelity only), Mo., Mont., Nebr., Nev., N.H., N.J., N. Mex., N.C., N. Dak., Okla., Oreg., Pa., R.I., S. Dak., Tex., Utah, Wash., W. Va., Wis., Wyo.	WASH.—All except Alaska, C.Z., Del., Fla., Ga., Guam, Hawaii, Ky., La., Me., Md., Mass., Miss., N.Y., Ohio, Puerto Rico, S.C., Tenn., Vt., Va., Virgin Islands.
Safeguard Insurance Company, New York, N.Y.	2,083	All except Puerto Rico, Virgin Islands	CONN.—All except C.Z., Guam, nMiss., wOkla., Puerto Rico, Virgin Islands, W. Va.
St. Paul Fire and Marine Insurance Company, St. Paul, Minn.	24,329	All except C.Z., Guam	MINN.—All except Guam.
Seaboard Surety Company, New York, N.Y.	3,660	All	N.Y.—All.
Security Insurance Company of Hartford, Hartford, Conn.	3,531	All except C.Z., Guam, Virgin Islands	CONN.—All except Alaska, cesCal., C.Z., Guam, Hawaii, seIll., sIowa, Nev., neN.Y., N. Dak., eTenn., Virgin Islands, eWash., sW. Va.
Security Mutual Casualty Company, Chicago, Ill.	548	Ala., Alaska, Ariz., Ark., Cal., Colo., Del., D.C., Fla., Ga., Idaho, Ill., Ind., Iowa, Kans., Ky., La., Me., Md., Mass., Mich., Minn., Miss., Mo., Mont., Nebr., Nev., N.H., N.J., N. Mex., N.Y., N.C., N. Dak., Ohio, Okla., Oreg., Pa., R.I., S.C. (fidelity only), S. Dak., Tenn., Tex., Utah, Vt., Va., Wash., W. Va., Wis., Wyo.	ILL.—D.C.
Security National Insurance Company, Dallas, Tex.	411	Ark., Cal., Colo., Ind., Kans., Ky., Mich., Okla., Tex., Wash., Wis.	TEX.—All except C.Z., Guam, Mont.
Select Insurance Company, Dallas, Tex.	626	All except Ariz., Ark., C.Z., Conn., Del., Guam, Hawaii, Kans., Ky., La., Me., Md., Mass., N.H., N.Y., N. Dak., Pa., Puerto Rico, R.I., S.C., Tenn., Utah, Va., Virgin Islands, Wis.	TEX.—All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
Sentry Indemnity Company, Stevens Point, Wis.	404	All except Alaska. Ariz., C.Z., Conn., Del., D.C., Guam, Hawaii, Kans., Me., Mass., Mich., Nebr., N.H., N.J., N. Mex., N.Y., Pa., Puerto Rico, R.I., S.C., Utah, Vt., Va., Virgin Islands, W. Va., Wyo.	WIS.—Cal., D.C., msFla., eLa., wWash.
Sentry Insurance a Mutual Company, Stevens Point, Wis.	5,842	All except C.Z., Guam, Idaho, Puerto Rico, Virgin Islands.	WIS.—Cal., D.C., msFla., nGa., nIll., eLa., Me., Mass., Mich., sN.Y., sTex., wWash.
Signal Insurance Company, Los Angeles, Cal.	666	Ariz., Cal., Idaho, Oreg., Wash	CAL.—D.C.
South Carolina Insurance Company, Columbia, S.C.	616	Ala., Ariz., Cal., Colo., Fla., Ga., Ill., Ind., Iowa, Ky., Md., Mich., Minn., Miss., Mo. (surety only), Mont., Nebr., Nev., N.H., N.Y., N.C., Ohio, Okla., Pa., S.C., Tenn., Tex., Va., Wash., (reinsurance only in Conn., N.J., W. Va.).	S.C.—nmAla., D.C., Fla., Ga., N.C., Va.
Southern General Insurance Company, Allentown, Pa.	143	Ariz., Ark., Cal., Colo., Del., D.C., Fla., Ga., Idaho, Ill., Ind., Md., Miss., Mo., Nev., N.J., N.C., Pa., R.I., Tex., Utah, Wash., Wis.	GA.—Ariz. Cal., D.C., nsFla., nInd., Md., sMiss., N.J., mwN.C., wePa., enTex.
The Standard Fire Insurance Company, Hartford, Conn.	3,723	All except C.Z., Del., Guam, N.J., Puerto Rico, Virgin Islands.	CONN.—All.
State Automobile Mutual Insurance Company, Columbus, Ohio.	2,965	Ala., Fla., Ga., Ind., Kans., Ky., Md., Mich., Miss., Mo., NJ., N.C., Ohio, Pa., S.C., Tenn., Va., W. Va.	OHIO—Ala., D.C., Fla., Ga., Ky., Md., Mich., Miss., eMo., N.C., Pa., S.C., Tenn., Va., W. Va.
State Farm Fire and Casualty Company, Bloomington, Ill.	14,843	All except C.Z., Guam, Kans., Puerto Rico, Virgin Islands.	ILL.—cCal., Colo., D.C., mGa., Md., Minn., nMiss., Mont., eN.Y., wOkla., mPa.
State Surety Company, Des Moines, Iowa.	91	Colo., D.C., Iowa, Kans., Minn., Mo., Nebr., S. Dak	IOWA—eArk., Colo., D.C., sFla., Ill., Kans., eLa., wMich., Minn., sMiss., Mo., Nebr., sN.Y., N. Dak., nOhio, wnOkla., S. Dak.
Statesman Insurance Company, Indianapolis, Ind.	172	Ala., D.C., Fla., Ill., Ind., Iowa, Kans., Ky., La., Md., Minn., Miss., Mont., N. Mex., N. Dak., Pa., S. Dak., Tenn.	IND.—Ariz., cCal., Colo., D.C., Ill., nIowa, Kans., eLa., Minn., wMo., Mont., Nebr., N. Mex., N. Dak., nwOkla., wmPa., S. Dak., nesTex., Wyo.
The Stuyvesant Insurance Company, Allentown, Pa.	1,354	All except C.Z., Guam, Virgin Islands	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Virgin Islands.
Summit Insurance Company of New York, Houston, Tex.	976	All except Ala., C.Z., Conn., D.C., Guam, Iowa, Kans., Ky., Md., Mich., Miss., Nebr., N.H., Puerto Rico, R.I., S. Dak., Tenn., Tex., Virgin Islands.	N.Y.—Colo., D.C., Fla., sInd., Mo., N.J., N. Dak., Ohio, wPa., Wyo.
Sun Insurance Company of New York, New York, N.Y.	1,043	All except Ala., Alaska, Ariz., Ark., C.Z., Colo., Fla., Ga., Guam, Hawaii, Idaho, Ind., Kans., Miss., Nebr., Nev., N.C., N. Dak., Puerto Rico, S.C., S. Dak., Utah, Virgin Islands, W. Va.	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
Surety Company of the Pacific, Los Angeles, Cal.	58	Cal	CAL.—D.C.
Surety Insurance Company of California, La Habra, Cal.	48	Alaska, Cal., Colo., N.Mex., Tex	CAL.—Alaska, Colo., D.C., N. Mex., Tex.
Traders & General Insurance Company, Dallas, Tex.	293	Colo., Kans., La., Miss., Mo., N. Mex., Okla., Tex	TEX.—D.C.
Transamerica Insurance Company, Los Angeles, Cal.	8,812	All except Guam	CAL.—All except C.Z., Guam, Virgin Islands.
Transcontinental Insurance Company, Chicago, Ill.	2,632	All except C.Z., Del., Guam, Hawaii, La., Oreg., Virgin Islands.	N.Y.—All except Alaska, C.Z., Del., msGa., Guam, Hawaii, La., Miss., Oreg., S.C., Vt., Virgin Islands.

See footnotes at end of table.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM SECRETARY OF THE TREASURY UNDER SECTIONS 6 TO 13 OF TITLE 6 OF THE UNITED STATES CODE AS ACCEPTABLE SURETIES ON FEDERAL BONDS(a)—Continued

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk). See footnote (b) (In thousands of dollars)	States and other areas in which licensed to transact surety business. See footnote (c)	State or other area in which incorporated and judicial districts in which process agents have been appointed: (State or other area of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
Transport Indemnity Company, Los Angeles, Cal.	764	All except C.Z., Guam, Virgin Islands	CAL.—All except Alaska, C.Z., Guam, eKy., eLa., Nev., nwN.Y., eOkla., Puerto Rico, mTenn., wVa., Virgin Islands, nW.Va.
Transportation Insurance Company, Chicago, Ill.	1,128	All except C.Z., Guam, Hawaii, Puerto Rico, S.C., Virgin Islands.	ILL.—All except Alaska, nCal., C.Z., Conn., sFla., Guam, Hawaii, eKy., Minn., wMo., Nev., N.H., wN.Y., Ohio, ePa., Puerto Rico, S. Dak., Virgin Islands, wWash., nW.Va., Wis.
The Travelers Indemnity Company, Hartford, Conn.	28,700	All	CONN.—All except Guam.
The Travelers Indemnity Company of Rhode Island, Hartford, Conn.*[5]	2,300	All except C.Z., Guam, La., Oreg.	R.I.—All except C.Z., Guam, eIll., wMo., Puerto Rico, Virgin Islands.
Trinity Universal Insurance Company, Dallas, Tex.	2,748	All except Alaska, C.Z., Conn., Del., Fla., Guam, Hawaii, Me., Md., Mass., Mont., Nev., N.H., N.J., N.Y., Puerto Rico, R.I., S.C., Tenn., Utah., Vt., Va., Virgin Islands, W. Va., Wyo.	TEX.—All except Guam.
Tri-State Insurance Company, Tulsa, Okla.	386	All except Alaska, Cal., C.Z., Conn., Del., D.C., Guam, Hawaii, Me., Md., Mass., Mich., Nev., N.H., N.J., N.Y., N.C., Ohio, Oreg., Pa., Puerto Rico, R.I., S.C., Vt., Va., Virgin Islands, W. Va., Wis.	OKLA.—All except Cal., C.Z., Conn., Del., Guam, Hawaii, Me., Md., Mass., Mich., N.H., N.J., N.Y., N.C., Ohio, Oreg., Pa., Puerto Rico, R.I., S.C., Vt., Va., Virgin Islands, W. Va., Wis.
Twin City Fire Insurance Company, Hartford, Conn.	1,005	All except C.Z., Guam, Puerto Rico, Virgin Islands	MINN.—sCal., Conn., D.C., La., Va.
United Fire & Casualty Company, Cedar Rapids, Iowa.	473	Ariz., Colo., Ill., Ind., Iowa, Kans., Minn., Mo., Nebr., N. Dak., S.C., Wis., Wyo.	IOWA.—D.C., nsIll., Minn., Mo., Nebr., S. Dak., Wis.
United Pacific Insurance Company, Tacoma, Wash.	3,698	All except C.Z., Guam, Puerto Rico, S.C., Virgin Islands.	WASH.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
United States Fidelity and Guaranty Company, Baltimore, Md.,	55,686	All except Guam	MD.—All except Guam.
United States Fire Insurance Company, Morristown, N.J.	10,790	All except C.Z., Guam, Virgin Islands	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Virgin Islands.
Universal Surety Company, Lincoln, Nebr.	310	Ariz., Ark., Colo., Ill., Iowa, Kans., Minn., Mo., Mont., Nebr., N. Mex., N. Dak., Ohio, Okla., S. Dak., Utah, Wash., Wis., Wyo.	NEBR.—Ariz., eArk., Colo., D.C., nIll., Iowa, Kans., Minn., Mo., Mont., N. Mex., N. Dak., wOkla., S. Dak., Utah, wWis., Wyo.
Utica Mutual Insurance Company, Utica, N.Y.	2,897	All except C.Z., Guam, Kans., La., Virgin Islands	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Me., Puerto Rico, Virgin Islands.
Valley Forge Insruance Company, Chicago, Ill.	1,283	All except Alaska, Cal., C.Z., Del., Fla., Guam, Hawaii, Idaho, Kans., Ky., La., Nebr., N.H., N. Mex., N.C., Oreg., Puerto Rico, S. Dak., Tenn., Virgin Islands, Wyo.	PA.—All except Guam, Virgin Islands, Wis.
Vigilant Insurance Company, New York, N.Y.	2,431	All except Alaska, C.Z., Guam, Hawaii, Puerto Rico	N.Y.—All except Alaska, Guam, Hawaii, Puerto Rico, Virgin Islands.
West American Insurance Company, Hamilton, Ohio.	2,275	All except Alaska, C.Z., Conn., Guam, Hawaii, Idaho, Me., Mass., Mont., N.H., Puerto Rico, R.I., S. Dak., Vt., Virgin Islands, W. Va.	CAL.—Ala., Colo., D.C., nsFla., Ga., Ill., Ind., Iowa, Kans., Ky., eLa., Md., Mich., Minn., Mo., Nev, N. Mex., N. Dak., Ohio, nOkla., Oreg., Pa., mTenn., Tex., Utah, Va., Wash., Wis., Wyo.,
Westchester Fire Insurance Company, Morristown, N.J.	5,160	All except C.Z., Guam, Virgin Islands	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
The Western Casualty and Surety Company, Fort Scott, Kans.	5,999	All except Alaska, C.Z., Conn., Del., Guam, Hawaii, Me., Mass., N.H., N.Y., N.C., Puerto Rico, R.I., Vt., Virgin Islands.	KANS.—All except Guam, Puerto Rico, Virgin Islands.
The Western Fire Insurance Company, Fort Scott, Kans.	3,686	All except Alaska, C.Z., Conn., Del., Guam, Hawaii, Me., Md., Mass., N.H., N.C., Pa., Puerto Rico, R.I., Vt., Va., Virgin Islands, W. Va.	KANS.—All except Guam, Puerto Rico, Virgin Islands.
Western Surety Company, Sioux Falls, S. Dak.	1,524	All except Alaska, C.Z., Guam, Hawaii, N.Y., Puerto Rico, Virgin Islands.	S. DAK.—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
Westfield Insurance Company, Westfield Center, Ohio.	1,486	All except Ala., Alaska, Ark., C.Z., Fla., Ga., Guam, Hawaii, La., Me., Miss., Mo., N.H., N. Mex., N. Dak., Puerto Rico, Virgin Islands.	OHIO—All except Alaska, C.Z., mFla., Guam, Hawaii, eKy., Me., Mass., wMo., Mont., N.J., Oreg., mPa., Puerto Rico, Virgin Islands.
Wilshire Insurance Company, Los Angeles, Cal.	198	Ariz., Cal., Hawaii, Idaho, Iowa, Mont., Nev., N. Mex., Oreg., Utah, Wash.	CAL.—D.C., Idaho, Mont., N. Mex., Oreg., wWash.
Wisconsin Surety Corporation, Madison, Wis.	115	Alaska, Cal., Colo., D.C., Ill., Ind., Iowa, Minn., Mo., Nev., N. Mex., Pa., S. Dak., Tex., Wis.	WIS.—D.C., Iowa, Minn., eMo., wmPa., S. Dak., nTex.
Wolverine Insurance Company, Battle Creek, Mich.	2,336	Ark., Cal., Fla., Ga., Ill., Ind., Iowa, Kans., Mich., Minn., Nebr., Nev., N. Mex., N. Dak., Ohio, Pa., S. Dak., Vt., W. Va., Wyo.	MICH.—D.C., Ga., Ill., Ind., Iowa, Minn., Ohio, S. Dak.

NOTES

(a) All certificates of authority expire June 30, and are renewable July 1, annually.

(b) Treasury requirements do not limit the penal sum of bonds which surety companies may execute. The net retention, however, cannot exceed the underwriting limitation and excess risks must be protected by coinsurance, reinsurance, or other methods in accordance with Treasury Circular 297, Revised January 20, 1972 (31 CFR §223.10, §223.11). When excess risks on bonds in favor of the United States are protected by reinsurance, such reinsurance is to be effected by use of a Treasury reinsurance form to be filed with the bond or within 45 days thereafter. Risks in excess of limit fixed herein must be reported for quarter in which they are executed. In protecting such excess, the rating in force on the date of the execution of the risk will govern absolutely. This limit applies until a new rating is established by the Treasury Department.

(c) A surety company must be licensed in the State or other area in which it executes (signs) the bond, but need not be licensed in the State or other area in which the principal resides or where the contract is to be performed (28 Op. Atty. Gen. 127, Dec. 24, 1909; 31 CFR §223.5(b)). The term "other areas" includes the Canal Zone, District of Columbia, Guam, Puerto Rico, and the Virgin Islands.

(d) Abbreviated capital letters preceding judicial districts indicate State or other area in which the company is incorporated. Process agents are required in the following districts: Where principal resides; where obligation is to be performed; and where the bond is returnable or filed. No process agent required in State or other area wherein company is incorporated. Letters "n, s, e, m, c, and w" preceding names of States indicate respectively the Northern, Southern, Eastern, Middle, Central, and Western judicial districts of States indicated. If letters do not precede names of States, process agents have been appointed in all judicial districts of such States.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM THE SECRETARY OF THE TREASURY AS ACCEPTABLE REINSURING COMPANIES UNDER TREASURY CIRCULAR NO. 297, REVISED JANUARY 20, 1972

Name of companies	Underwriting limitations (net limit on any one risk) [In thousands of dollars]	Judicial Districts in which process agents have been appointed
Accident and Casualty Insurance Company of Winterthur, Switzerland (U.S. Office, New York, N.Y.)	3,006	D.C.
Alliance Assurance Company, Limited, London, England (U.S. Office, New York, N.Y.)	1,001	D.C.
Atlas Assurance Company, Limited, London, England (U.S. Office, New York, N.Y.)	1,249	D.C.
Constellation Reinsurance Company, New York, N.Y.	2,362	D.C.
General Accident Fire and Life Assurance Corporation, Limited, Perth, Scotland (U.S. Office, Philadelphia, Pa.)	12,652	D.C.
The London Assurance, London, England (U.S. Office, New York, N.Y.)	1,774	D.C.
The London & Lancashire Insurance Company, Limited, London, England (U.S. Office, New York, N.Y.)	808	D.C.
The Marine Insurance Company, Limited, London, England (U.S. Office, New York, N.Y.)	545	D.C.
Metropolitan Fire Assurance Company, Hartford, Conn.	676	D.C.
Munich Reinsurance Company, Munich, Germany (U.S. Office, New York, N.Y.)	1,673	D.C.
The Netherlands Insurance Company, Est. 1845, The Hague, Holland (U.S. Office, Keene, N.H.)	737	D.C.
Rochdale Insurance Company, New York, N.Y.	367	D.C.
Royal Insurance Company, Limited, Liverpool, England (U.S. Office, New York, N.Y.)	4,070	D.C.
The Sea Insurance Company, Limited, Liverpool, England (U.S. Office, New York, N.Y.)	960	D.C.
The Skandia Insurance Company, Stockholm, Sweden (U.S. Office, New York, N.Y.)	1,918	D.C.
Sun Insurance Office, Limited, London, England (U.S. Office, New York, N.Y.)	1,549	D.C.
Swiss Reinsurance Company, Zurich, Switzerland (U.S. Office, New York, N.Y.)	5,761	D.C.
Zurich Insurance Company, Zurich, Switzerland (U.S. Office, Chicago, Ill.)	9,322	D.C.

[1] ELAC Insurance Company Limited, United States Branch—Domesticated and merged into Employers Commercial Union Insurance Company effective December 31, 1971. (See FEDERAL REGISTER of February 24, 1972, page 3922 for details.)

[2] Citizens Insurance Company of New Jersey—Name changed effective November 12, 1971 to Hartford Casualty Insurance Company. (See FEDERAL REGISTER of May 5, 1972, page 9144 for details.)

[3] Houston Fire and Casualty Insurance Company—Name changed effective December 31, 1971 to Houston General Insurance Company. (See FEDERAL REGISTER of February 26, 1972, page 4099 for details.)

[4] Queen Insurance Company of America—Merged into Royal Globe Insurance Company effective December 31, 1971. (See FEDERAL REGISTER of April 18, 1972, page 7642 for details.)

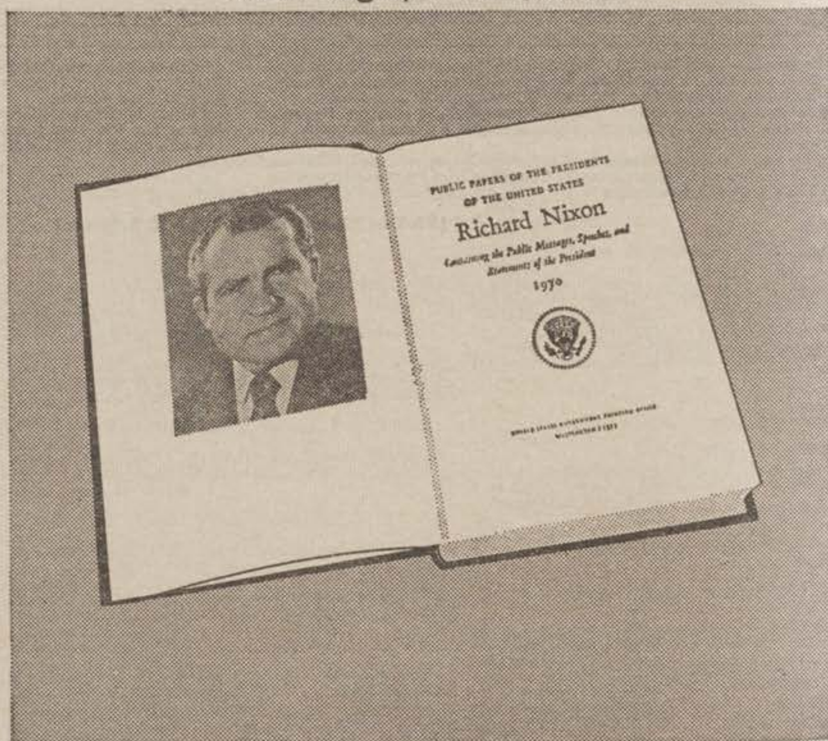
[5] Equitable Fire and Marine Insurance Company—Name changed effective June 25, 1971 to The Travelers Indemnity Company of Rhode Island. (See FEDERAL REGISTER of January 11, 1972, page 341 for details.)

[FR Doc.72-10474 Filed 7-10-72;8:45 am]

Public Papers of the Presidents of the United States

Richard Nixon/1970

1305 Pages/Price: $15.75



Contents

- Messages to the Congress
- Public speeches and letters
- The President's news conferences
- Radio and television reports to the American people
- Remarks to informal groups

Published by

Office of the Federal Register
National Archives and Records Service
General Services Administration

Order from

Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20402

Prior Volumes

Volumes covering the administrations of Presidents Truman, Eisenhower, Kennedy, Johnson, and the first year of President Nixon are available at varying prices from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.