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List of CFR Parts Affected

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

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

Rules and Regulations

Title 4—ACCOUNTS

Chapter III—Cost Accounting Standards Board

NATIONAL DEFENSE CONTRACTS AND SUBCONTRACTS

CROSS REFERENCE: For a document regarding an implementation of certain regulations of the Cost Accounting Standards Board, see F.R. Doc. 72-10635, Title 41—Public Contracts and Property Management, Chapter 9—Atomic Energy Commission, *infra*.

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 72-797]

PART 564—SETTLEMENT OF INSURANCE

Updating of Examples of Insurance Coverage

JULY 5, 1972.

Resolved, that the Federal Home Loan Bank Board considers it advisable to amend Part 564 of the rules and regulations for insurance of accounts (12 CFR Part 564) for the purpose of updating the examples of insurance coverage afforded accounts in institutions insured by the Federal Savings and Loan Insurance Corporation, published as an appendix to said Part 564, to reflect the increase in maximum insurance on accounts from $15,000 to $20,000 and to further clarify the regulations in certain respects. Accordingly, on the basis of such consideration and for such purpose, the Federal Home Loan Bank Board hereby amends said Part 564 by revising the appendix thereto to read as set forth below.

(Secs. 401, 402, 403, 405, 48 Stat. 1255, 1256, 1257, 1259, as amended; 12 U.S.C. 1724, 1725, 1726, 1728. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-1948, Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

APPENDIX—EXAMPLES OF INSURANCE COVERAGE AFFORDED ACCOUNTS IN INSTITUTIONS INSURED BY THE FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

The following examples illustrate insurance coverage on accounts maintained in the same insured institution. They are intended to cover various types of ownership interests and combinations of accounts which may occur in connection with funds invested in insured institutions. These examples interpret the rules for insurance of accounts contained in 12 CFR Part 564.

The examples, as well as the rules which they interpret, are predicated upon the assumption that invested funds are actually owned in the manner indicated on the institution's records. If available evidence shows that ownership is different from that on the institution's records, the Federal Savings and Loan Insurance Corporation may pay claims for insured accounts on the basis of actual rather than ostensible ownership.

A. *Single ownership accounts.* All funds owned by an individual (or by the husband-wife community of which the individual is a member) and invested by him in one or more individual accounts are added together and insured to the $20,000 maximum. This is true whether the accounts are maintained in the name of the individual owning the funds, in the name of his agent or nominee, or in the name of a guardian, conservator, or custodian holding the funds for his benefit.

EXAMPLE 1

Question: A and B, husband and wife, each maintain an individual account containing $20,000. In addition, they hold a joint account containing $20,000. What is the insurance coverage?

Answer: Each account is separately insured to $20,000, for a total coverage of $60,000. The coverage would be the same whether the individual accounts contain funds owned as community property or as individual property of the spouses. (§§ 564.3 (a) and 564.9(a))

EXAMPLE 2

Question: H and W, husband and wife, reside in a community property State. H maintains a $20,000 account consisting of his separately owned funds and invests $20,000 of community property funds in another account, both of which are in his name alone. What is the insurance coverage?

Answer: The two accounts are added together and insured to a total of $20,000. $20,0000 is uninsured. (§ 564.3(a))

EXAMPLE 3

Question: A has $17,000 invested in an individual account, and his agent, B, invests $5,000 of A's funds in a properly designated agency account. B also holds a $20,000 individual account. What is the insurance coverage?

Answer: A's individual account and the agency account are added together and insured to the $20,000 maximum, leaving $2,000 uninsured. The investment of funds through an agent does not result in additional insurance coverage for the principal. (§ 564.3 (b)) B's individual account is insured separately from the agency account. (§ 564.3(a))

However, if the account records of the institution do not show the agency relationship under which the funds in the $5,000 account are held, the $5,000 in B's name could, at the option of the Insurance Corporation, be added to his individual account and insured to $20,000 in the aggregate, leaving $5,000 uninsured. (§ 564.2(b)(1))

EXAMPLE 4

Question: A holds a $20,000 individual account. B holds two accounts in his own name, the first containing $5,000 and the second containing $17,000. In processing the claims for payment of insurance on these accounts, the Insurance Corporation discovers that the funds in the $5,000 account actually belong to A and that B had invested these funds as agent for A, his undisclosed principal. What is the insurance coverage?

Answer: Since the available evidence shows that A is the actual owner of the funds in the $5,000 account, the Insurance Corporation may, at its option, add these funds to the $20,000 individual account held by A (rather than to B's $17,000 account) and insure the total of $25,000 to the $20,000 maximum, leaving $5,000 uninsured. In that event B's $17,000 individual account would be separately insured. (§ 564.3 (a) and (b))

EXAMPLE 5

Question: C, a minor, maintains an individual account of $150 in connection with a school savings program. C's grandfather makes a gift to him of $10,000, which is invested in another account by C's father, designated on the institution's records as custodian under a Uniform Gifts to Minors Act. C's father also maintains an individual account of $20,000. What is the insurance coverage?

Answer: C's individual account and the custodianship account held for him by his father are added together and would be insured to the $20,000 maximum. (§ 564.3(c)) The individual account held by C's father is separately insured. (§ 564.3(a))

EXAMPLE 6

Question: G, a court appointed guardian, invests in a properly designated account $20,000 of funds in his custody which belong to W, his ward. W and G each maintain $5,000 individual accounts. What is the insurance coverage?

Answer: W's individual account and the guardianship account in G's name are added together and insured to $20,000 in the aggregate. The fact that a guardian has been judicially appointed does not alter the fact that the guardianship funds legally belong to W, the ward, and are insured as W's individually owned funds. (§ 564.3(c)) G's individual account is separately insured. (§ 564.3(a))

B. *Testamentary accounts.* The term "testamentary account" refers to a revocable trust account, tentative or "Totten" trust account, "payable-on-death" account or any similar account which evidences an intention that the funds shall pass on the death of the owner of the funds to a named beneficiary. If the beneficiary is a spouse, child or grandchild of the owner, the funds in all such accounts are insured for the owner up to $20,000 in the aggregate as to each such beneficiary, separately from any other individual accounts of the owner. If the beneficiary of such an account is other than a spouse, child or grandchild of the owner, the funds in the account are, for insurance purposes, added to any other individual accounts of the owner

and insured up to $20,000 in the aggregate. In the case of a revocable trust account, the person who holds the power of revocation is deemed to be the owner of the funds in the account. If a revocable trust account is held in the name of a fiduciary other than the owner of the funds, any other accounts held by the fiduciary are insured separately from such revocable trust account.

EXAMPLE 1

Question: H invests $40,000 in a revocable trust account with his son, S, and his daughter, D, as named beneficiaries. What is the insurance coverage?

Answer: Since S and D are children of H, the owner of the account, the funds are insured up to $20,000 as to each beneficiary. (§ 564.4(a)) Assuming that S and D have equal beneficial interests ($20,000 each), H is fully insured for this account.

EXAMPLE 2

Question: H, as settlor-trustee, creates a revocable trust for the benefit of his son, S. H creates a second revocable trust, with T as trustee, for the benefit of his nephew, N. H invests $20,000 of the funds of the first trust in a revocable trust account. T invests $10,000 of the funds of the second trust in another account. In addition, H, S, N, and T each maintain individual accounts containing $20,000. What is the insurance coverage?

Answer: Since S is a child of H, the account established under the first trust is insured up to $20,000 separately from any other accounts held by H. (§ 564.4(a)) Since N is not a spouse, child or grandchild of H, the $10,000 in the account held by T under the second trust is deemed to be owned by H and is added to the $20,000 in H's individual account and insured up to $20,000 in the aggregate, leaving $10,000 uninsured. (§ 564.4(b)) The individual accounts of S, N, and T are separately insured to the $20,000 maximum. (§ 564.3(a))

EXAMPLE 3

Question: H invests $20,000 in each of four "payable-on-death" accounts. Under the terms of each account contract, H has the right to withdraw any or all of the funds in the account at any time. Any funds remaining in the account at the time of H's death are to be paid to a named beneficiary. The respective beneficiaries of the four accounts are H's wife, his mother, his brother and his son. H also holds an individual account containing $20,000. What is the insurance coverage?

Answer: The accounts payable on death to H's wife and son are each separately insured to the $20,000 maximum. (§ 564.4(a)) The accounts payable to H's mother and brother are added to H's individual account and insured to $20,000 in the aggregate, leaving $40,000 uninsured. (§ 564.4(b))

EXAMPLE 4

Question: H and W, husband and wife, each invest $40,000 in a revocable trust account with their son, S, and their daughter, D, named as equal beneficiaries. Under the terms of the trust, the interest of either grantor passes, on his death, to the surviving grantor; upon the death of both grantors, the account is to be divided between S and D. Each of the grantors has the right to revoke the trust at any time. What, assuming S and D do not predecease their parents, is the insurance coverage if default occurs during the lifetime of both of the grantors? What is the insurance coverage if default occurs after the death of one but before the death of the other grantor?

Answer: Since S and D are the children of H and W, each of whom is the owner of one-half of the funds in the account, and since the account evidences an intention that the funds shall pass on the death of the owners of the funds to named beneficiaries, the funds are insured for each owner up to $20,000 as to each beneficiary. Thus, during their lifetimes, H and W are each insured up to $20,000 as to S and as to D, separately from any other individual accounts which they may own, making the account fully insured. If default occurs after the death of one of the grantors, insurance coverage of the account would decrease from $80,000 to $40,000, since the surviving grantor would have power of revocation over the trust and, under § 564.4, a grantor is entitled to insurance coverage only up to $20,000 as to each named beneficiary.

EXAMPLE 5

Question: H establishes a revocable trust account with his son, S, named as beneficiary. Under the terms of the trust, S becomes the owner of the account upon the happening of a certain event (for instance, coming of age) or upon the death of H whichever comes later. What is the insurance coverage?

Answer: During the lifetime of H the account would be insured up to $20,000 to H, the owner, as to S, the son, as a testamentary account, inasmuch as the account evidences an intention that, upon the death of the owner, ownership of the funds shall pass to the named beneficiary. If H dies prior to the happening of the event, the power of revocation dies with him and the account would be insured up to $20,000 to S, as the beneficiary of an irrevocable trust account established by H.

C. *Accounts of executors or administrators.* All funds belonging to a decedent and invested in one or more accounts, whether held in the name of the decedent or in the name of his executor or administrator, are added together and insured to the $20,000 maximum. Such funds are insured separately from the individual accounts of any of the beneficiaries of the estate or of the executor or administrator.

EXAMPLE 1

Question: A, administrator of D's estate, sells D's automobile and invests the proceeds of $2,500 in an account entitled: "A, Administrator of the estate of D." In the same institution there is an account containing $20,000 which D had opened just prior to his death. What is the insurance coverage?

Answer: The two accounts are added together and insured up to the $20,000 maximum, leaving $2,500 uninsured. (§ 564.5)

EXAMPLE 2

Question: X is executor of the will of T, under which A, B and C are beneficiaries in equal shares. X invests $40,000 of T's estate in an account entitled: "X, Executor of the will of T." A and X maintain individual accounts of $20,000 each in the same institution. What is the insurance coverage?

Answer: The account held by X as executor is insured only to $20,000. Such funds are considered the property of the decedent's estate and are not apportioned among the beneficiaries under the will. Since the title of the estate account discloses its fiduciary nature, X's individual account is insured separately. In addition, A's individual account is separately insured to the $20,000 maximum. (§ 564.5)

D. *Accounts held by a corporation, partnership or unincorporated association.* All funds invested in an account or accounts by a corporation, a partnership or an unincorporated association engaged in any independent activity are added together and insured to the $20,000 maximum. The term "independent activity" means any activity other than the one directed solely at increasing insurance coverage. If the corporation, partnership or unincorporated association is not engaged in an independent activity, any account held by the entity is insured as if owned by the persons owning or comprising the entity, and the imputed interest of each such person is added for insurance purposes to any individual account which he maintains.

EXAMPLE 1

Question: X Corporation maintains a $20,000 account. The stock of the corporation is owned by A, B, C, and D in equal shares. Each of these stockholders also maintains an individual account with the same institution. What is the insurance coverage?

Answer: Each of the accounts would be insured to $20,000 if the corporation is engaged in an independent activity and has not been established merely for the purpose of increasing insurance coverage. The same would be true if the business were operated as a bona fide partnership instead of as a corporation. (§ 564.6)

EXAMPLE 2

Question: A and B each has a $18,000 account in his own name and X Corporation has a $18,000 account. One third of the stock of X Corporation is owned by A and two thirds by B. X Corporation was set up solely to obtain additional insurance. What is the insurance coverage?

Answer: Since X Corporation is not engaged in an independent activity, the funds in its account are insured as if owned by A and B in proportion to their interest in the corporation. For insurance purposes, $6,000 of the corporate account is imputed to A and added to his individual account and $12,000 is added to B's individual account. A has an aggregate individual interest of $24,000, of which $20,000 is insured, leaving $4,000 uninsured. Of B's total interest of $30,000, $10,000 is uninsured. (§ 564.6)

EXAMPLE 3

Question: C College maintains three separate accounts with the same institution under the titles: "General Operating Fund", "Teachers Salaries", and "Building Fund". What is the insurance coverage?

Answer: Since all of the funds are the property of the college, the three accounts are added together and insured only to the $20,000 maximum. (§§ 564.6 and 564.7)

EXAMPLE 4

Question: The men's club of X Church carries on various social activities in addition to holding several fund raising campaigns for the church each year. The club is supported by membership dues. Both the club and X Church maintain accounts in the same institution. What is the insurance coverage?

Answer: The men's club is an unincorporated association engaged in an independent activity. If the club funds are, in fact, legally owned by the club itself and not the church, each account is separately insured to the $20,000 maximum. (§ 564.7)

EXAMPLE 5

Question: The PQR Union has three locals in a certain city. Each of the locals maintains

a savings account containing funds belonging to the parent organization. All three accounts are in the same insured institution. What is the insurance coverage?

Answer: The three accounts are added together and insured up to the $20,000 maximum. (§ 564.7)

E. Public unit accounts. For insurance purposes, the official custodian of funds belonging to a public unit, rather than the public unit itself, is insured as the account holder. All funds belonging to a public unit and invested by the same custodian are added together and insured to the $20,000 maximum, regardless of the number of accounts involved. If there is more than one official custodian for the same public unit, the funds invested by each custodian are separately insured up to $20,000. If the same person is custodian of funds for more than one public unit, he is separately insured to $20,000 with respect to the funds of each such unit held by him in properly designated accounts.

For insurance purposes, a "political subdivision" is entitled to the same insurance coverage as any other public unit. "Political subdivision" includes any subdivision of a public unit or any principal department of such unit (1) the creation of which has been expressly authorized by State statute (2) to which some functions of government have been allocated by State statute and (3) to which funds have been allocated by statute or ordinance for its exclusive use and control.

EXAMPLE 1

Question: X, as county treasurer, invests $5,000 in each of the following accounts: "General Operating Account", "Road and Bridge Fund", "School Transportation Fund", "Local Maintenance Fund", and "Payroll Fund". What is the insurance coverage?

Answer: Since all of these funds are owned by the same public unit (the county) and are invested by the same public official, the five accounts are added together and insured in the aggregate to the $20,000 maximum, leaving $5,000 uninsured. (§ 564.8(a))

EXAMPLE 2

Question: As Comptroller of Y Consolidated School District, A maintains a $25,000 account containing school district funds. He also maintains his own $10,000 savings account. What is the insurance coverage?

Answer: The two accounts will be separately insured, assuming the institution's records indicate that the account containing the school district funds is held by A in a fiduciary capacity. Thus, $20,000 of the school's funds and the entire $10,000 in A's personal account will be insured. (§§ 564.2 (b)(1) and 564.8(a))

EXAMPLE 3

Question: A, as city treasurer, and B, as chief of the city police department, each have $20,000 in city funds invested in custodial accounts. What is the insurance coverage?

Answer: Assuming that both A and B have official custody of the city funds, each account is separately issured to the $20,000 maximum. (§ 564.8(a))

EXAMPLE 4

Question: A is Treasurer of X County and collects certain tax assessments, a portion of which must be paid to the State under statutory requirement. A maintains an account for general funds of the county and establishes a separate account for the funds which belong to the State Treasurer. The institution's records indicate that the separate account contains funds held for the State. What is the insurance coverage?

Answer: Since two public units own the funds held by A, the accounts would each be separately insured to the $20,000 maximum. (§ 564.8(a))

EXAMPLE 5

Question: A city treasurer invests city funds in each of the following accounts: "General Operating Account", "School Transportation Fund", "Local Maintenance Fund", and "Payroll Fund". By administrative direction the city treasurer has allocated the funds for the use of and control by separate departments of the city. What is the insurance coverage?

Answer: All of the accounts are added together and insured in the aggregate to $20,000. Because the allocation of the city's funds is not by statute or ordinance for the specific use of and control by separate departments of the city, separate insurance coverage to the maximum of $20,000 is not afforded to each account. (§§ 561.5a, 564.8(a))

EXAMPLE 6

Question: A city treasurer invests $20,000 in a 'General Fund" account and $25,000 in a "Meter Deposit" account. The funds in the Meter Deposit account belong to users of gas and are held by the official custodian in a fiduciary capacity as security for damage to gas meters. What is the insurance coverage?

Answer: Each account is separately and fully insured. However, if the city treasurer held such funds as agent for the users of gas, their interests in the Meter Deposit account would be added to their individual accounts in computing insurance coverage. (§ 564.3 (b)). On the other hand, if the meter deposits are actually held in trust pursuant to statute or contract, such funds would be separately insured from any individually owned funds of the gas users. (§ 564.10)

EXAMPLE 7

Question: In addition to the public fund accounts listed in Example 1, the county treasurer also maintains a "Bond Payment Account" containing funds required by law to be paid to 2,000 holders of bonds issued by the country. The account contains $200,000. What is the insurance coverage?

Answer: The interest of each bond holder is separately insured to the $20,000 maximum. Where a public official invests in an account funds which are required by law to be held for the payment of a particular bond issue, the account is deemed to be held in trust for the individual bond holders. The title of such an account, however, must indicate its fiduciary nature. (§ 564.8(b))

EXAMPLE 8

Question: A city treasurer deposits in an insured institution $20,000 in each of the following accounts:

"General Operating Fund."
"Police Department."
"Fire Department."
"Parks Department—Maintenance."

What is the insurance coverage?

Answer: The "Police Department" and "Fire Department" accounts would each be separately insured to $20,000 if the funds in each such account have been allocated by law for the exclusive use of a separate city department or subdivision expressly authorized by State statute.

Funds in the "Parks Department" account are expended only by order of the city treasurer and are added to the funds in the "General Operating Fund" account and insured only to $20,000. (§§ 561.5a, 564.8(a))

EXAMPLE 9

Question: A county treasurer deposits in an insured institution $20,000 in each of the following accounts:

"General Operating Fund."
"County Roads Department Fund."
"County Water District Fund."
"County Public Improvement District Fund."
"County Emergency Fund."

What is the insurance coverage?

Answer: The "County Roads Department", "County Water District" and "County Public Improvement District" accounts would each be separately insured to $20,000 if the funds in each such account have been allocated by law for the exclusive use of a separate county department or subdivision expressly authorized by State statute.

Funds in the "General Operating" and "Emergency Fund" accounts would be added together and insured in the aggregate to $20,000, if such funds are for countywide use and not for the exclusive use of any subdivision or principal department of the county, expressly authorized by State statute. (§§ 561.5a, 564.8(a))

EXAMPLE 10

Question: A city treasurer deposits $20,000 in each of the following accounts:

"Local Improvement District."
"General Operating Fund."
"Equipment Rental Fund."
"Department of Public Welfare."
"Bureau of Weights and Measures" (subordinate agency of "Department of Public Welfare")

What is the insurance coverage?

Answer: Funds allocated by law for the exclusive use of the "Department of Public Welfare" and the "Bureau of Weights and Measures", a subordinate agency thereof, would be added together and insured only to $20,000. The "Local Improvement District" account, consisting of funds of a separate subdivision, would be separately insured to $20,000. The "Equipment Rental" and "General Operating" accounts, held for citywide use, would be added together and separately insured to $20,000. (§§ 561.5a, 564.8(a))

F. *Joint Accounts.* Accounts held under any form of joint ownership valid under State law (whether as joint tenants with right of survivorship, tenants by the entireties, tenants in common or by husband and wife as community property) are insured up to $20,000. This insurance is separate from that afforded individual accounts held by any of the coowners.

An account is insured as a joint account only if each of the coowners has personally executed an account signature card and possesses withdrawal rights. An account owned jointly which does not qualify as a joint account for insurance purposes is insured as if owned by the named persons as individuals. In that case, the actual ownership interest in the account of each person is added to any other accounts individually owned by such person and insured up to $20,000 in the aggregate.

Any individual, including a minor, may be a coowner of a joint account provided that, under State law, he may execute a signature card and withdraw funds from the account on the same basis as the other co-owners.

All funds invested in joint accounts owned by the same combination of individuals are first added together and insured to the $20,000 maximum. Where

an investor has an interest in more than one joint account and different joint owners are involved, his interests in all of such joint accounts are then added together and insured to $20,000 in the aggregate.

For insurance purposes, the coowners of any joint account are deemed to have equal interests in the account, except in the case of a tenancy in common. With a tenancy in common, equal interests are presumed unless otherwise stated on the records of the institution.

EXAMPLE 1

Question: A and B maintain an account as joint tenants with right of survivorship and, in addition, each holds an individual account. Is each account separately insured?

Answer: If both A and B have executed rights with respect to the joint funds, each the signature card and possess withdrawal account is separately insured to the $20,000 maximum. (§ 564.9(a) and (b))

EXAMPLE 2

Question: H and W, husband and wife, reside in a community property state. Each holds an individual account and, in addition, they hold a qualifying joint account. The funds in all three accounts consist of community property. Is each account separately insured?

Answer: Yes. An account in the individual name of a spouse will be insured up to $20,000, whether the funds consist of community property or separate property of the spouse. A joint account containing community property is also insured up to $20,000. Thus, community property can be used for individual accounts in the name of each spouse and for a joint account in the name of both spouses, each of which accounts is separately insured up to $20,000. (§§ 564.3(a) and 564.9(a))

EXAMPLE 3

Question: Two accounts of $20,000 each are held by a husband and his wife under the following names:

John Doe and Mary Doe, husband and wife, as joint tenants with right of survivorship.

Mrs. John Doe and John Q. Doe (community property).

Are the accounts separately insured?

Answer: No. Both accounts are considered joint accounts owned by the same combination of individuals, regardless of the form of joint ownership. Reversal of names or use of different styles does not change the result, as long as the account owners are in fact the same in both cases. For insurance purposes, the accounts are added together for a total of $40,000, of which $20,000 is insured. (§ 564.9(d))

EXAMPLE 4

Question: The following accounts are held by A, B, and C, each of whom has personally executed signature cards for the accounts in which he has an interest. Each coowner of a joint account possesses the necessary withdrawal rights.

1. A, as an individual	$20,000
2. B, as an individual	20,000
3. C, as an individual	20,000
4. A and B, as joint tenants w/r/o survivorship	18,000
5. A and C, as joint tenants w/r/o survivorship	18,000
6. B and C, as joint tenants w/r/o survivorship	18,000
7. A, B and C, as joint tenants w/r/o survivorship	18,000

What is the insurance coverage?

Answer: Accounts numbered 1, 2, and 3 are each separately insured for $20,000 as individual accounts held by A, B, and C, respectively. (§ 564.3(a)) With regard to accounts numbered 4, 5, 6, and 7, the respective interests of A, B, and C in such accounts are added together for insurance purposes. (§ 564.9(e)) The interests of the coowners of each joint account are deemed equal for insurance purposes. (§ 564.2(b)(4)) Thus, A has an interest of $9,000 in account No. 4, $9,000 in account No. 5, and $6,000 in account No. 7, for a total joint account interest of $24,000, of which $20,000 is insured. The interests of B and C are similarly insured.

EXAMPLE 5

Question: A, B, and C hold accounts as set forth in Example 4. A and B are husband and wife. C, their minor child, has failed to execute the signature card for account No. 7. In account No. 5, C cannot make a withdrawal without A's written consent. In account No. 6, the signatures of both B and C are required for withdrawal. A has provided all of the funds for accounts numbered 5 and 7. What is the insurance coverage?

Answer: If any of the coowners of a joint account have failed to meet any of the joint account requirements, the account is not insured as a joint account. Instead, the account is insured as if it consisted of commingled individual accounts of each of the coowners in accordance with his actual ownership of the funds, as determined under applicable State law. (§ 564.9(c)) Account No. 5 is not insured as a joint account because C does not possess the right to withdraw the funds in accordance with his purported interest in the account. (§ 564.9(b)) However, account No. 6 does qualify as a joint account for insurance purposes since each coowner possesses the right to withdraw funds on the same basis. Account No. 7 is not insured as a joint account since C did not personally execute the signature card. Assuming that, under applicable State law, A has the entire actual ownership interest in accounts 5 and 7, all of the funds in these accounts are treated for insurance purposes as individually owned by A. (§ 564.9(c)) Thus, the $36,000 in these accounts is added to the $20,000 in account No. 1, A's individual account, and insured up to $20,000 in the aggregate, leaving $36,000 uninsured. Accounts 4 and 6, the remaining joint accounts, are each insured to the $20,000 limit, since they are owned by different combinations of individuals and no coowner has an aggregate interest in the two accounts in excess of $20,000. (§ 564.9 (d) and (e))

EXAMPLE 6

Question: Three qualifying joint accounts are owned by A, B, and C, as joint tenants with right of survivorship, as follows:

1. A and B	$20,000
2. A and B	5,000
3. A and C	10,000

What is the insurance coverage?

Answer: Since accounts numbered 1 and 2 are owned by the same combination of individuals, they are first added together and insured to $20,000 in the aggregate, leaving $5,000 uninsured. (§ 564.9(d)) Since the respective interests of the coowners of each joint account are deemed equal for insurance purposes, A has an interest of $10,000 in account No. 1, $2,500 in account No. 2, and $5,000 in account No. 3 for a total joint account interest of $17,500. A's interest of $12,500 in accounts numbered 1 and 2 receives a $10,000 proportionate share of the $20,000 insurance coverage on the two accounts, as does B's interest, leaving $2,500 uninsured in each case. A is entitled to $20,000 of insurance on the total of his interests in joint accounts owned by different combinations of individuals. (§ 564.9(e)) $10,000 of this $20,000 is allocated to A's interest in acounts numbered 1 and 2, leaving $10,000 of insurance available for his $5,000 interest in account No. 3, which is fully insured. C's $5,000 interest in account No. 3 is also fully insured. Thus, $15,000 of A's total interest of $17,500 is insured; $10,000 of B's $12,500 interest is insured; and all of C's $5,000 interest is insured. Of the $35,000 invested in the three joint accounts, a total of $30,000 is insured.

EXAMPLE 7

Question: The following accounts are owned by A, B, and C, each of whom has personally executed signature cards for the accounts in which he has an interest. Each coowner possesses withdrawal rights.

1. A, as an individual	$20,000
2. B, as an individual	20,000
3. A, B, and C, as joint tenants w/r/o survivorship	20,000
4. A, B, and C, as joint tenants w/r/o survivorship	40,000
5. A and B, as joint tenants w/r/o survivorship	20,000

What is the insurance coverage?

Answer: Accounts numbered 1 and 2 are each separately insured for $20,000 as individual accounts held by A and B, respectively. (§ 564.3(a)) With respect to the joint accounts, accounts numbered 3 and 4 are owned by the same combination of individuals and are added together and insured for $20,000 in the aggregate. (§ 564.9(d)) Because the accounts totaled $60,000, $40,000 remains uninsured. A, B, and C each have a $6,667 insured interest in accounts 3 and 4. A and B also maintain a joint account, account No. 5. Because C has no interest in this account, it is owned by a combination of individuals different from accounts 3 and 4. The interest of A and B in account No. 5 are deemed to be equal. (§ 564.2(b)(4)) A's $10,000 interest in account 5 is added to his insured interest in accounts 3 and 4, giving him a total of $16,667 insurance coverage for his interests in the various joint accounts, in addition to the insurance in the amount of $20,000 provided for his individual account. B's interests in accounts 3, 4, and 5 are identical to A's and her interests are insured in a like manner.

G. *Trust Accounts.* A trust estate is the interest of a beneficiary in an irrevocable express trust, whether created by trust instrument or statute, that is valid under State law. Thus, funds invested in an account by a trustee under an irrevocable express trust are insured on the basis of the beneficial interests under such trust. The interest of each beneficiary in an account (or accounts) established under such a trust arrangement is insured to $20,000, separately from other accounts held by the trustee, the settlor (grantor) or the beneficiary. However, in cases where a beneficiary has an interest in more than one trust arrangement created by the same settlor, the interests of the beneficiary in all accounts established under such trusts are added together for insurance purposes, and the beneficiary's aggregate interest derived from the same settlor in separately insured to the $20,000 maximum.

A beneficiary's interest in an account established pursuant to an irrevocable express trust arrangement is insured separately from other beneficial interests (trust estates) invested in the same

account if the value of the beneficiary's interest (trust estate) can be determined (as of the date of default) without evaluation of contingencies except for those covered by the present worth tables and rules of calculation for their use set forth in § 20.2031–10 of the Federal Estate Tax Regulations (26 CFR 20.2031–10). If any trust estates in such an account cannot be so determined, the insurance with respect to all such trust estates together shall not exceed the basic insured amount of $20,000.

In order for insurance coverage of trust accounts to be effective in accordance with the foregoing rules, certain record-keeping requirements must be met. In connection with each trust account, the institution's records must indicate the name of both the settlor and the trustee of the trust and must contain an account signature card indicating the fiduciary capacity of the trustee and executed by him. In addition, the interests of the beneficiaries under the trust must be ascertainable from the records of either the institution or the trustee.

Although each ascertainable trust estate is separately insured, it should be noted that in short-term trusts the insurable interest or interests may be very small, since the interests are computed only for the duration of the trust. Thus, if a trust is made irrevocable for a specified period of time, the beneficial interest will be calculated in terms of the length of time stated. A reversionary interest retained by the settlor is treated in the same manner as an individual account of the settlor.

As stated, the trust must be valid under local law. A trust which does not meet local requirements, such as one imposing no duties on the trustee or conveying no interest to the beneficiary, is of no effect for insurance purposes. An account in which such funds are invested is considered to be an individual account.

An account established pursuant to a revocable trust arrangement is insured as a form of individual account and is treated under section B, supra, dealing with testamentary accounts.

EXAMPLE 1

Question: T is a trustee of an irrevocable trust created by S, settlor, for the benefit of A and B in equal shares. T holds an account containing $40,000 in trust funds. A and B, as well as T and S, each maintain individual accounts in the amount of $20,000 each. What is the insurance coverage?

Answer: The trust estates of A and B invested in the account are each insured to the $20,000 maximum, assuming that neither A nor B have beneficial interests in any other accounts established pursuant to an irrevocable trust created by the same settlor. Since A and B have equal beneficial interests under the trust, each has a proportionate interest in the trust account of $20,000 and the account is fully insured. The individual accounts of A, B, T, and S are each separately insured to $20,000. (§ 564.10)

EXAMPLE 2

Question: S is the settlor of an irrevocable trust for the sole benefit of his son, B. T, the trustee, maintains an account containing $20,000 in trust funds. S subsequently creates a separate irrevocable trust, also for B's sole benefit, with X Bank as trustee. X Bank invests $5,000 of the trust funds in another account. What is the insurance coverage?

Answer: B has the sole beneficial interest in two accounts established under trusts created by the same settlor. Both accounts are added together and insured up to $20,000 in the aggregate, leaving $5,000 uninsured. The fact that two different trustees are involved is immaterial. (§ 564.10)

EXAMPLE 3

Question: S is the settlor of an irrevocable trust fund for the sole benefit of his son, B. T, trustee, invests $20,000 of the trust funds in a trust account. S establishes a revocable trust account in the amount of $20,000 for the sole benefit of B. S also has an individual account of $20,000. What is the insurance coverage?

Answer: B's trust estate in the account established pursuant to the irrevocable trust arrangement is insured to $20,000 separately from the accounts owned by S (§ 564.10). The revocable trust account is insured to $20,000 as a testamentary account owned by S with his child as beneficiary, separately from S's individual account (§ 564.4(a)). The three accounts are fully insured.

EXAMPLE 4

Question: An account in the amount of $40,000 is held pursuant to an irrevocable trust for the benefit of A and B. Under the terms of the trust instrument, A is to receive the income for life and B is to receive the remainder at A's death. At the time of default, A is 70 years of age. What is the insurance coverage?

Answer: The proportionate value of A's life estate can be determined by the use of the present worth tables found at 26 CFR § 20.2031–10. To ascertain A's beneficial interest in the account, the appropriate multiplier (.47540) indicated by Table A(2) is multiplied by the amount in the account. A's interest is found to be $19,016. The difference of $20,984 represents B's beneficial interest in the account. The trustee is entitled to an insurance payment of $39,016, representing A's complete interest ($19,016) and $20,000 of B's interest. (§§ 564.2(c)(1) and 564.10)

EXAMPLE 5

Question: The situation is the same as in Example 4, except that A is to receive the income for life or until she marries, with remainder over to B. What is the insurance coverage?

Answer: Both trust estates are subject to a contingency (A's marriage) which precludes their evaluation by the use of the present worth tables. The insurance coverage with respect to all trust estates in the account is limited to the $20,000 maximum. (§ 564.2(c)(2)). The trustee is entitled to an insurance payment of $20,000.

EXAMPLE 6

Question: S establishes an irrevocable trust fund of $100,000 for the equal benefit of A, B, C, D, and E. The trustee invests the entire amount in a properly designated trust account. The trust provides that each beneficiary is to receive income in equal shares until the age of 35, at which time the principal is to vest in equal shares, except that if either D or E does not complete college by age 35, his share of the principal is to go to X Church. What is the insurance coverage?

Answer: The proportionate (one-fifth) interests in the account of A, B, and C are each insured up to $20,000 as separate trust estates. The interests of D, E, and X Church are subject to contingencies (completion of college) which cannot be evaluated by use of the present worth tables. Therefore, the insurance coverage on their interests is limited to $20,000 in the aggregate, resulting in a total insurance coverage of $80,000 for the trust account. (§ 564.2(c) (1) and (2))

EXAMPLE 7

Question: G is settlor of a short-term irrevocable trust for the benefit of H University. Under the terms of the trust instrument, the university is to receive all of the income (payable annually) for 2 years. At the end of the 2-year period, the trust is to terminate, and the corpus is to revert to G. The trustee invests $30,000 in a trust account. At the date of default, 1 year of the 2-year term of the trust has expired. What is the insurance coverage?

Answer: Although this arrangement constitutes an express irrevocable trust, G's reversionary interest is treated, for insurance purposes, as an individual account owned by him. (§ 561.4) To ascertain the value of H University's remaining 1-year income interest in the trust account, the appropriate multiplier (0.03382) indicated by Table H of the present worth tables is multiplied by the account balance. H University's trust estate in the account is $1,014.60. G's reversionary interest is worth $28,985.40. Assuming that G has no individual interest in any other account, the trustee is entitled to an insurance payment of $21,014.60, representing H University's entire trusts estate in the account ($1,014.60) and $20,000 of G's reversionary interest. (§§ 564.2(c)(1) and 564.10)

EXAMPLE 8

Question: H and W create an irrevocable trust for the benefit of their children, S and D, in equal shares. The trust contains $100,000, of which $20,000 was contributed by W. As joint trustees, H and W invest $60,000 of these funds in a trust account. What is the insurance coverage?

Answer: The trust estates of S and D is deemed to be derived from H and W in proportion to the contribution of each to the trust. W has contributed 20 percent of the funds and H has contributed 80 percent. S and D have equal beneficial interests in the trust account. Of S's beneficial interest of $30,000, $6,000 (20 percent) is deemed to be derived from W and $24,000 (80 percent) is deemed to be derived from H. D's beneficial interest is similarly derived. The trust estate of each beneficiary derived from each settlor is separately insured to the $20,000 maximum. The $6,000 interest derived from W is fully insured, and $20,000 of the interest derived from H is insured, leaving $4,000 uninsured in the case of each beneficiary. The account is insured to a total of $52,000. (§ 564.2(c)(3))

EXAMPLE 9

Question: X Corporation acts as servicing agent for FHA, VA and conventional mortgage loans. Each month X Corporation collects payments from approximately 2,000 mortgagors and commingles these funds in a single account. The account contains $200,000. What is the insurance coverage?

Answer: The amount of insurance coverage depends upon the terms of the contract or instrument under which X Corporation collects the funds. If it acts in the capacity of a trustee for the benefit of the mortgagors, the interest of each mortgagor is separately insured to the $20,000 maximum. If it acts in the capacity of a trustee for the lenders, the interest of each lender is separately insured to the $20,000 maximum. In either case, this insurance is separate from that afforded the individually owned funds of X Corporation invested in the institution or the individual accounts of any of the mortgagors or lenders. (§ 564.10)

If X Corporation is found to act in the capacity of an agent for either the mortgagors or the lenders, the interest of each such principal is separately insured as his individual account (but added to any other individual accounts which the principal holds in the same institution). (§ 564.3(b))

If X Corporation is found to hold the funds as owner, or principal, with only a contractual obligation to pay to its creditors, and not as trustee or agent, the account would be insured only to the $20,000 limit. (§ 564.6)

EXAMPLE 10

Question: What is the insurance coverage on other fiduciary accounts, such as clients' funds invested in the name of a lawyer, rent security funds invested in the name of the landlord, escrow funds invested in the name of a real estate broker, litigants' funds invested in the name of a representative of a court, consignors' funds invested in the name of a market servicing agent, and similar funds invested in other custodial accounts?

Answer: Such funds are insured in the same manner as indicated in Example 9. If the funds are held in irrevocable trust pursuant to statute or trust instrument, they are insured as trust funds. If held on an agent—principal basis, they are insured as the individually owned property of the various principals. (§§ 564.3(b) and 564.10)

EXAMPLE 11

Question: A cemetery maintains an account, consisting of its general funds, in the amount of $20,000. It also maintains a properly designated trust account, containing perpetual care funds held in trust pursuant to statute or trust instrument for the benefit of various cemetery lots, in the amount of $50,000. No single perpetual care fund in the trust account exceeds $20,000. What is the insurance coverage?

Answer: The general funds account is separately insured to $20,000. Since each separate trust estate in the trust account is separately insured, the trust account is fully insured in the amount of $50,000. (§ 564.10)

EXAMPLE 12

Question: G creates a charitable trust under which the principal and income are to be used for the furtherance of legal education, in the discretion of the trustee. The trustee invests $30,000 of the trust funds in a properly designated account. What is the insurance coverage?

Answer: Since the beneficiaries under the trust are indefinite and cannot be ascertained, there can be insurance only to the basic insured amount. (§ 564.2(c)(2)) Thus, the account is insured only to $20,000, leaving $10,000 uninsured. (§ 564.10)

[FR Doc.72-10689 Filed 7-11-72;8:50 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 70-CE-2-AD, Amdt. 39-1472]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Model 35 Series, 35-33 Series, 33 Series and 36 Airplanes; Correction

In F.R. Doc. 72-9545 appearing on page 12486 in the issue of Saturday, June 24, 1972, paragraph F should be corrected to read:

(F) Beech Models H35 (equipped with Continental O-470-G-CI engines) and J35 airplanes which have complied with Beech Service Instruction No. 0495-281 are exempt from compliance with this AD.

Issued in Kansas City, Mo., on June 30, 1972.

JOHN R. WALLS,
Acting Director, Central Region.

[FR Doc.72-10600, Filed 7-11-72;8:45 am]

[Docket No. 72-CE-21-AD; Amdt. 39-1484]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna Models 310, 320, 401, 402, 411, and 421 Series Airplanes

There have been failures of flexible hose assemblies located in the engine compartment of Cessna Models 310, 320, 401, 402, 411, and 421 series airplanes. These failures are the result of hose deterioration which, if not corrected, can lead to the discharge of hazardous amounts of fuel or oil into the engine compartment with possible resultant in-flight fire. Since this condition is likely to exist or develop in other airplanes of the same type design, and Airworthiness Directive is being issued requiring repetitive visual inspections of all flexible hose assemblies in the engine compartment of Cessna Models 310, 320, 401, 402, 411, and 421 series airplanes, and replacement of said assemblies where necessary.

Since a situation exists which requires expeditious adoption of the amendment, notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 F.R. 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new AD.

CESSNA. Applies to Models 310, 320, 401, 402, 411, and 421 series airplanes.

Compliance: Within 25 hours' time in service after the effective date of this AD on airplanes having 200 hours' or more time in service and thereafter at intervals not to exceed 50 hours' time in service, to determine condition of flammable fluid carrying flexible hose assemblies in the engine compartment, accomplish the following:

A. Visually, or by any other method approved by FAA, inspect flexible fuel lines as follows:

(1) Pressurize the fuel lines with boost pump momentarily operating in prime position. When accomplishing this test, the mixture control should be in the idle cutoff position. While under pressure, examine all hose exteriors in the engine compartment for evidence of leakage such as wetness and fuel stains.

NOTE: After pressure testing fuel hoses, allow sufficient time for excess fuel to drain overboard from the engine manifold before attempting an engine start.

(2) Examine externally all hoses in the engine compartment for evidence of deterioration or damage such as cracks, cuts, bulges, discoloration, hardness, chafing, and excessive wear.

B. Visually, or by any other method approved by FAA, inspect flexible oil lines as follows:

(1) Examine all hose exteriors in the engine compartment for evidence of leakage.

(2) Examine externally all hoses in the engine compartment for evidence of deterioration or damage such as cracks, cuts, bulges, discoloration, hardness, chafing, and excessive wear.

C. If, as a result of the inspections required by paragraphs A or B, leakage or other evidence of deteriorated or damaged hose assembly is found, replace with serviceable hose assembly prior to further flight.

NOTE: Cessna Service Letter ME68-23, dated November 1, 1968, and applicable Cessna Service Manuals cover this subject.

This amendment becomes effective July 14, 1972.

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

Issued in Kansas City, Mo., on June 30, 1972.

JOHN R. WALLS,
Acting Director, Central Region.

[FR Doc.72-10601 Filed 7-11-72;8:45 am]

[Airspace Docket No. 72-EA-42]

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

Alteration of Transition Area

Correction

In F.R. Doc. 72-10172 appearing on page 13169 of the issue for Tuesday, July 4, 1972, the reference to "§ 71.71" in the first line of amendatory paragraph 1 should read "§ 71.181".

[Docket No. 12047; Amdt. 818]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

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

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

SIAP's are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual

copies of SIAP's may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20591, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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

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

Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAP's, effective August 10, 1972.

Beaver Falls, Pa.—Beaver County Airport; VOR Runway 28, Amdt. 4; Revised.
Shirley, N.Y.—Brookhaven Airport; VOR Runway 33, Amdt. 1; Revised.
Watsonville, Calif.—Watsonville Municipal Airport; VOR/DME-A, Amdt. 1; Revised.

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

Marion, Ohio—Marion Municipal Airport; NDB Runway 12, Amdt. 3; Revised.

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

Issued in Washington, D.C., on July 5, 1972.

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

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

[FR Doc.72-10515 Filed 7-11-72;8:45 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 34-9654]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Report of Income and Expenses

On February 15, 1972, in Securities Exchange Act Release No. 9496, and in the FEDERAL REGISTER for February 25, 1972, at 37 F.R. 3992, the Securities and Exchange Commission published a proposal to amend Rule 17a-10 (17 CFR 240.17a-10) under the Securities Exchange Act of 1934 ("the Act").

Rule 17a-10 requires every member of a national securities exchange and every broker or dealer registered pursuant to section 15 of the Act to file each year with the Commission a report of his income and expenses and related financial and other information on Form X-17A-10 (17 CFR 249.618).

Paragraph (b) of Rule 17a-10, in part, provides that a national securities exchange or a registered national securities association may submit to the Commission a plan providing for reports from its members on forms consistent with Form X-17A-10, and for the transmission to the Commission of copies of such reports.[1] The proposed amendments to paragraph (b) would delete the wording in that provision which permits a plan to provide that in transmitting copies of Form X-17A-10 reports to the Commission, a self-regulatory organization may omit the names and addresses of members as to whom such information is transmitted. The action would be taken under the provisions of the Act, particularly sections 17(a) and 23(a) thereof.

As stated in Release No. 9496, since the adoption of Rule 17a-10 in June 1968, "many important developments (such as the Commission's hearings relating to commission rates and other matters, the operations and back office crisis of 1968, the failure of numerous broker-dealers because of financial difficulties, the adoption of the Securities Investor Protection Act of 1970 and the "Study of Unsafe and Unsound Practices of Brokers and Dealers" submitted to Congress on December 28, 1971) have taken place. In light of these developments and the experience accumulated by the Commission during that period, the Commission believes that it should receive Form X-17A-10 reports from organizations that have qualified a plan pursuant to paragraph (b) of Rule 17a-10 on an identified basis so that it can more effectively carry out its regulatory responsibilities in the future * * *."

The Commission has carefully considered all the comments that have been received and has decided to amend paragraph (b) of Rule 17a-10 as originally proposed in Release No. 9496 and as stated below, effective August 7, 1972. As a result of these amendments, it will be necessary for all self-regulatory organizations that have qualified plans with the Commission pursuant to paragraph (b) of Rule 17a-10 to amend their respective plans to delete the provisions providing for anonymous reporting to the Commission.[2] Form X-17A-10 reports covering calendar year 1971 and thereafter must be submitted by the self-regulatory organizations to the Commission on an identified basis.

Commission action. The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 17(a) and 23(a) thereof, and deeming it necessary for the exercise of the functions vested in it, and necessary and appropriate in the public interest and for the protection of investors, hereby amends § 240.17a-10 of Part 240 of Chapter II of Title 17 of the Code of Federal Regulations by deleting "in transmitting copies of such records to the Commission, the names and addresses of members as to whom such information is transmitted may be omitted, and may further provide that" in the second sentence of paragraph (b), effective August 7, 1972. The text of the amendments to Rule 17a-10 is as follows:

As amended, § 240.17a-10(b) reads as follows:

§ 240.17a-10 Report of income and expenses.

* * * * *

(b) The provisions of paragraph (a) of this section shall not apply to a member of a national securities exchange or a registered national securities association which maintains records containing the information required by § 249.618 of this chapter (Form X-17A-10) as to each of its members, and which transmits to the Commission a copy of the record as to each such member, pursuant to a plan the procedures and provisions of which have been submitted to and declared effective by the Commission. Any such plan filed by a national securities exchange or a registered national securities association may provide that when a member is also a member of one or more national securities exchanges, or of one or more national securities exchanges and a registered national securities association, the information required to be submitted with respect to any such member may be transmitted by only one specified national securities exchange or registered national securities association. For the purpose of this section, a plan filed with the Commission by a national securities exchange or a registered national securities association shall not become effective unless the Commission, having due regard for the public interest, for the protection of investors, and for

[1] Paragraph (b) also provides that the Commission, in declaring any such plan effective, may impose such terms and conditions relating to the provisions of the plan and the period of its effectiveness as may be deemed necessary or appropriate in the public interest, for the protection of investors, or to carry out the Commission's duties under the Act. Upon Commission approval of such a plan, the members of the exchange or association which submitted the plan are to file their reports directly with the association or exchange in accordance with the plan and not with the Commission. The National Association of Securities Dealers, Inc. and the American, Midwest, New York and Philadelphia-Baltimore-Washington Stock Exchanges have qualified plans pursuant to paragraph (b).

[2] The Commission has reexamined the question of whether individual reports submitted pursuant to the rule should continue to receive confidential treatment as currently provided in paragraph (c). The Commission is satisfied that it may and should continue to treat those reports as confidential.

the fulfillment of the Commission's functions under the provisions of the Act, declares the plan to be effective. Further, the Commission, in declaring any such plan effective, may impose such terms and conditions relating to the provisions of the plan and the period of its effectiveness as may be deemed necessary or appropriate in the public interest, for the protection of investors, or to carry out the Commission's duties under the Act.

* * * * *

(Sec. 17(a), 48 Stat. 897, as amended, 49 Stat. 1379, sec. 4, 52 Stat. 1076, sec. 5, 15 U.S.C. 78q; sec. 23(a), 48 Stat. 901, as amended, 49 Stat. 1379, sec. 8, 15 U.S.C. 78w)

By the Commission.

[SEAL] GLADYS E. GREER,
Assistant Secretary.

JUNE 30, 1972.

[FR Doc.72-10610 Filed 7-11-72;8:51 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7191]

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

PART 13—TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1969

Certain Sales of Low-Income Housing Projects; Correction

On June 30, 1972, T.D. 7191 was published in the FEDERAL REGISTER (37 F.R. 12950).

The following changes should be made:

The colon at the end of the last sentence of the preamble to the Treasury Decision should be changed to a period, and a new sentence added at the end of the preamble to read as follows:

"Section 1.1039-1 of the regulations hereby adopted supersedes those provisions of § 13.0 of this chapter relating to section 1039(a) of the Code, which were prescribed by T.D. 7032 approved March 9, 1970 (35 F.R. 4330)."

JAMES F. DRING,
Director, Legislation and Regulations Division.

[FR Doc.72-10690 Filed 7-11-72;8:49 am]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 13—PARTICIPATION OF STATE AND LOCAL OFFICIALS IN THE DEVELOPMENT OF FEDERAL POLICIES

The Intergovernmental Cooperation Act of 1968 (Public Law 90-577) and the Office of Management and Budget Circular A-85, revised January 20, 1971, require the setting up of standards and procedures to effect better cooperation with State and local governments in the development of Federal regulations, policies and procedures relating to the administration of State and local assistance programs. To effectuate the purpose of this law, the circular, and the President's objective of making certain that vital Federal assistance programs are made workable at the point of impact there is issued a new Part 13 to Title 29, Code of Federal Regulations.

As this part relates to general statements of policy, procedure and practice, general notice of proposed rule making is not required. As the requirements for cooperation with State and local governments are in conformity with the President's policy and are mutually beneficial, I find there is good cause for making these requirements effective immediately. Accordingly this new Part 13 shall be effective upon publication in the FEDERAL REGISTER (7-12-72).

The new Part 13 of Title 29, Code of Federal Regulations, reads as follows:

Sec.
13.1 Purpose.
13.2 Background.
13.3 Policies.
13.4 Coverage.
13.5 Procedures for informing State and local government associations of proposed new or revised regulations.
13.6 Reports.
13.7 Assignment of responsibility.

AUTHORITY: The provisions of this Part 13 issued under title IV of Public Law 90-577, 82 Stat. 1103, 42 U.S.C. 4231 et seq., and the Office of Management and Budget Circular A-85 revised January 20, 1971.

§ 13.1 Purpose.

This part states the role of State and local officials in the formulation of Department of Labor policies, and establishes policies and procedures and assigns responsibility to assure an opportunity for the appropriate exercise of that role.

§ 13.2 Background.

Administrations and Offices of the Department of Labor administering programs of assistance to State and local governments normally issue regulations under which the programs are administered. These regulations affect the conduct of State and local affairs, including management and organization, planning, program adjustments, and fiscal and administrative systems. These requirements are not always consistent among Federal agencies or even within the Department or may not permit flexibility needed by State and local governments. To meet the President's objective of making certain that vital Federal assistance and other programs are made workable at the point of impact, heads of State and local governments should participate in developing Federal regulations prior to their issuance.

§ 13.3 Policies.

Administrations and Offices will be guided, to the fullest practical extent consistent with Federal laws, by the following policies:

(a) Administrations and Offices will support and strengthen the central coordinating role of heads of State and local governments, including their role of initiating and developing State, regional, and local plans and programs.

(b) Departmental regulations will be written so that they do not hamper the heads of State and local governments in providing effective organizational and administrative arrangements and in developing planning, budgetary, and fiscal procedures responsive to needs.

(c) Duplication of reporting requirements and controls which are established by State and local governments will be avoided, and Administrations and Offices should rely whenever possible on internal or independent audits performed at the State or local levels provided in Bureau of the Budget Circular No. A-73, dated August 4, 1965.

(d) Except as may be required by law or special circumstances, Departmental regulations dealing with like matters (e.g., allowable costs, definitions of like terms and procedures and information needed for determining eligibility in like cases) will be consistent both internally and with practices of other Federal agencies, and with State and local governments.

(e) To the maximum extent feasible, State and local participation should begin in the developmental stage well in advance of any formal writing of policies and procedures. This will minimize the need for extensive review and discussion in the latter stages.

§ 13.4 Coverage.

(a) This part applies to major agency regulations and revision thereof, major interagency agreements concerning program operations and major organizational changes, any of which have a significant and nationwide effect on State and local governments, and which directly affect one or more of the following:

(1) Interstate relationships,

(2) Intergovernmental relationships (e.g., State—local and interlocal),

(3) Types of eligible recipients,

(4) Designations of agencies within State or local governments,

(5) Requirements affecting State or local personnel practices,

(6) Functional planning,

(7) Organizational planning, or fiscal activities of State and other governments, and

(8) Roles and functions of heads of State and local governments.

(b) It is not intended that all proposed regulations or revisions be automatically channeled through the procedure called for in this part; no purpose would be served by creating congestion and delay. Judgment must be exercised in applying the part; selectivity will be needed in determining which substantive and administrative regulations and changes are significant enough to provide for State and local participation. As experience is gained, a mutually productive system of participation, with flexibility and room for judgment as to what is important, can be expected to work out.

(c) The part applies primarily to new Departmental regulations. However, opportunity for consultation will be given to heads of State and local governments who request revision of regulations already in effect.

§ 13.5 Procedures for informing State and local government associations of proposed new or revised regulations.

(a) Prior to following procedures as set forth below, all intradepartmental clearances of proposed regulations shall be completed. The issuing Administration or Office will provide to the Office of Organization and Management in the Office of the Assistant Secretary for Administration, 21 copies and summaries of the proposed regulation. Normally this should be done not less than 60 calendar days before the intended date of promulgation. In those cases where the regulation must be published in the FEDERAL REGISTER, this Advisory Committee on Intergovernmental Relations clearance procedure should be completed before publication. In some circumstances it may be necessary to have such publication occur simultaneously with or prior to the completion of the revised process provided for in this part. If special, legal or other circumstances do not permit sufficient time for notice and comments, the Administration and Office will advise the Office of Organization and Management of the time available and provide at least 61 copies of a summary or abstract in lieu of the full draft text of the regulation. Such summaries should describe the nature and significance of any change in existing policies affecting State and local governments. The Office of Organization and Management will promptly transmit 20/60 copies of the Administration's and Office's material to the Advisory Commission on Intergovernmental Relations (ACIR).

(b) The Advisory Commission on Intergovernmental Relations will promptly transmit copies of the agency material to each of the following State and local government associations: National Governors' Conference, Council of State Government, International City Manager's Association, National Association of Counties, National League of Cities, and United States Conference of Mayors. Other groups representing central management units may be sent copies of material of concern to them. The Advisory Commission on Intergovernmental Relations will also transmit a copy to the Office of Management and Budget.

(c) Unless an earlier response is required, the State and local government associations desiring to comment will transmit their views within 30 days after reviewing the summary and proposed regulations, addressing their comments to the issuing Administration or Office concerned through the Advisory Commission on Intergovernmental Relations and the Office of Organization and Management. It is understood that each respective Administration and Office will consider these comments in the final publication of the regulations. If no comments are received within the time limitation, the Department may consider its obligation to consider comments as being fulfilled.

(d) If requested by either the initiating Administration or Office concerned or by a State or local government association, the Office of Organization and Management will arrange through the Advisory Commission on Intergovernmental Relations a meeting between representatives of the Administration or Office and the association (along with State or local chief executives or their representatives where desirable) to consider modification of the proposed regulations.

(e) If the Administration or Office does not accept suggested changes by a State or local government association, it will promptly notify the Office of Organization and Management. The Office of the Assistant Secretary for Administration shall arrange for appropriate departmental review by Department of Labor Officers of the Administration's or Office's proposal including the State or local government's recommendation. If in the best interest of the Department, the results of the review indicate the recommendation by State or local government association should be rejected, the Administration or Office will promptly notify the association in writing of this decision. The Administration or Office will forward one copy each to the Advisory Commission on Intergovernmental Relations and the Office of Management and Budget. Within 3 days of receipt of notification, the State or local government association may request the Advisory Commission on Intergovernmental Relations to arrange a prompt meeting between representatives of the Administration or Office, Office of Organization and Management and the Association to consider modification of the proposed regulations. The Advisory Commission on Intergovernmental Relations will notify the Office of Management and Budget of such a meeting. At this meeting, final decision will rest with the Administration or Office as to the acceptability of recommendations for modification of the regulations.

(f) The initiating Administration or Office will provide the Office of Organization and Management with eight copies of the regulation, when published. The Office of Organization and Management will furnish seven copies to the Advisory Commission on Intergovernmental Relations.

§ 13.6 Reports.

Each Administration or Office will provide the Office of Organization and Management with a quarterly report of number of directives which it has processed under this regulation. These reports shall be due no later than 10 working days after each fiscal quarter.

§ 13.7 Assignment of responsibility.

(a) *Heads of Administrations and Offices.* Heads of Administrations and Offices are hereby assigned responsibility for:

(1) Designating one responsible official to see that the provisions of this part are carried out, and notifying the Office of Organization and Management as to the name of the official designated.

(2) Forwarding to the Office of Organization and Management, a copy of implementing instructions as a result of this part.

(3) Determining which substantive and administrative regulations are of sufficient significance to be put through these consultation arrangements.

(4) Initiating these procedures in those instances where the need to use these consultation arrangements has been determined.

(5) Insuring that the policies herein are pursued aggressively.

(b) *Director, Office of Organization and Management, Office of Assistant Secretary for Administration.* The Director of the Office of Organization and Management in the Office of the Associate Assistant Secretary for Administration (Organization Management and Personnel) is hereby assigned responsibility for:

(1) Overseeing these consultation arrangements within the Department, and coordinating the above procedures with the Advisory Commission on Intergovernmental Relations and the Office of Management and Budget.

(2) Establishing additional procedures as necessary to implement these policies and procedures, including a system for monitoring.

(3) Coordinating for the Secretary all regulations which have a major policy, budgetary or fiscal impact on State and local governments. Administrations and Offices are responsible for notifying the Office of Organization and Management of such proposed regulations sufficiently in advance for proper clearance.

Signed at Washington, D.C., this 29th day of June 1972.

FRANK G. ZARB,
Assistant Secretary for Administration and Management.

[FR Doc.72-10642 Filed 7-11-72;8:50 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER E—PESTICIDES PROGRAMS

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

Paraquat

A petition (PP 1F1014) was filed by the Chevron Chemical Co., 940 Hensley Street, Richmond, CA 94804, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for negligible residues of the herbicide

paraquat (1,1'-dimethyl-4,4'-bipyridinium) in or on the raw agricultural commodities grain crops, pineapples, safflower seed, small fruit, and sugarcane at 0.05 part per million.

Subsequently, the petitioner amended the petition by changing the proposed tolerance on sugarcane to 0.5 part per million and proposed that the tolerance for grain crops be expressed as the grain of barley, oats, rye, and wheat.

Prior to December 2, 1970, the Secretary of Agriculture certified that this pesticide is useful for the purpose for which tolerances are being established.

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

1. The proposed usage is not reasonably expected to result in residues of the herbicide in eggs, meat, milk, and poultry.

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

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.205 is amended by revising the paragraphs "0.5 part per million * * *" and "0.05 part per million * * *", as follows:

§ 180.205 Paraquat; tolerances for residues.

* * * * *

0.5 part per million in or on almond hulls, cottonseed, potatoes, sugar beets, sugar beet tops, and sugarcane.

0.05 part per million (negligible residue) in or on almonds, apples, apricots, avocados, bananas, barley grain, cherries, citrus fruit, coffee beans, fresh corn including sweet corn (kernels plus cob with husk removed), corn fodder and forage, corn grain, figs, filberts, lettuce, macadamia nuts, melons, nectarines, oat grain, olives, papayas, peaches, pears, peppers, pineapples, plums (fresh prunes), rye grain, safflower seed, small fruit, sorghum forage and grain, soybeans, soybean forage, tomatoes, walnuts, and wheat grain.

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

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (7–12–72).

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

Dated: July 6, 1972.

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

[FR Doc.72-10630 Filed 7-11-72;8:50 am]

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

Ammoniates of [Ethylenebis(Dithiocarbamato)] Zinc and Ethylenebis [Dithiocarbamic Acid] Bimolecular and Trimolecular Cyclic Anhydrosulfides and Disulfides

A petition (PP 2F1255) was filed by FMC Corp., Niagara Chemical Division, 100 Niagara Street, Middleport, NY 14105, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing that established tolerances (40 CFR Part 180) for residues of the fungicide ammoniates of [ethylenebis(dithiocarbamato)] zinc and ethylenebis[dithiocarbamic acid] bimolecular and trimolecular cyclic anhydrosulfides and disulfides be reduced in or on the raw agricultural commodities apples from 7 to 2 parts per million and cantaloups, cucumbers, and tomatoes from 5 to 4 parts per million.

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

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

2. The reduced tolerances established by this order will better protect the public health than the tolerances they are replacing.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.217 is amended by deleting the paragraph "7 parts per million * * *"; by deleting the words "cantaloups", "cucumbers", and "tomatoes" from the paragraph "5 parts per million * * *"; and by inserting two new paragraphs "4 parts per million * * *" and "2 parts per million * * *" after the paragraph "5 parts per million * * *", as follows:

§ 180.217 Ammoniates of [ethylenebis (dithiocarbamato)] zinc and ethylenebis [dithiocarbamic acid] bimolecular and trimolecular cyclic anhydrosulfides and disulfides; tolerances for residues.

* * * * *

Four parts per million in or on cantaloups, cucumbers, and tomatoes.

Two parts per million in or on apples.

* * * * *

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

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (7–12–72).

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

Dated: July 6, 1972.

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

[FR Doc.72-10626 Filed 7-11-72;8:50 am]

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

Gibberellic Acid

A notice was published by the Environmental Protection Agency in the FEDERAL REGISTER of May 25, 1972 (37 F.R. 10578), proposing establishment of a tolerance for negligible residues of the plant regulator gibberellic acid in or on blueberries at 0.15 part per million. No comments or requests or referral to an advisory committee were received.

It is concluded that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.224 is revised as follows:

§ 180.224 Gibberellic acid; tolerances for residues.

Tolerances are established for neglible residues of the plant regulator gibberellic acid in or on the raw agricultural commodities artichokes, blueberries, citrus fruit, grapes, hops, leafy vegetables, and stone fruit at 0.15 part per million.

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

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (7–12–72).

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

Dated: July 6, 1972.

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

[FR Doc.72–10627 Filed 7–11–72;8:50 am]

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

2,2-Dichlorovinyl Dimethyl Phosphate; Correction

F.R. Doc. 72–1196 appearing on page 1232 in the FEDERAL REGISTER of January 27, 1972, revised the paragraph "0.5 part per million from postharvest application * * *" of § 180.235. Because of possible misinterpretation of the revision, the paragraph is reworded as follows:

§ 180.235 2,2-Dichlorovinyl dimethyl phosphate; tolerances for residues.

* * * * *

0.5 part per million from postharvest application in or on nonperishable packaged or bagged raw agricultural commodities that contain 6 percent fat or less and in or on nonperishable bulk stored raw agricultural commodities regardless of fat content.

* * * * *

Dated: July 6, 1972.

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

[FR Doc.72–10628 Filed 7–11–72;8:50 am]

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

4-(Methylsulfonyl)-2,6-Dinitro-*N,N*-Dipropylaniline

A petition (PP 2F1183) was filed by Shell Chemical Co., Division of Shell Oil Co., 1700 K Street NW., Washington, DC 20006, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for negligible residues of the herbicide 4-(methylsulfonyl)-2,6-dinitro-*N,N* - dipropylaniline in or on the raw agricultural commodities almonds, pome fruits, and stone fruits at 0.1 part per million.

Subsequently, the petitioner amended the petition by proposing a tolerance for negligible residues of the herbicide in or on almond hulls at 0.1 part per million.

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

1. The herbicide is useful for the purpose for which the tolerance is being established.

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.

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

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.237 is revised to read as follows:

§ 180.237 4-(Methylsulfonyl)-2,6-dinitro-*N,N*-dipropylaniline; tolerances for residues.

Tolerances are established for negligible residues of the herbicide 4-(methylsulfonyl)-2,6-dinitro-*N,N* - dipropylaniline in or on the raw agricultural commodities almonds, almond hulls, broccoli, brussels, sprouts, cabbage, cauliflower, cottonseed, cucurbits, forage legumes, fruiting vegetables, grapes, peanuts, pome fruits, safflower seed, seed and pod vegetables, soybeans (dry form), and stone fruits at 0.1 part per million.

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

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (7–12–72).

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

Dated: July 6, 1972.

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

[FR Doc.72–10629 Filed 7–11–72;8:50 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

[AECPR Temporary Reg. 1]

PART 9–3—PROCUREMENT BY NEGOTIATION

Subpart 9–3.12—Cost Accounting Standards

NATIONAL DEFENSE CONTRACTS AND SUBCONTRACTS

JUNE 30, 1972.

1. *Purpose.* This regulation implements and supplements Federal Procurement Regulations Temporary Regulation No. 27, dated June 29, 1972, which prescribes interim policies and procedures to implement the Cost Accounting Standards Board (CASB) rules and regulations with respect to negotiated national defense contracts and subcontracts in excess of $100,000 in accordance with the requirements of Public Law 91–379.

2. *Effective date.* This regulation is effective upon publication in the FEDERAL REGISTER (7–12–72).

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

4. *Explanation of changes.* a. Subpart 9–3.12 Cost Accounting Standards is added as follows:

§ 9–3.1204 Contract clause.

This section implements the Cost Accounting Standards Clause set forth in Attachment B of FPR Temporary Regulation No. 27.

(a) The clause shall be made a part of AEC contracts as follows:

(1) As soon as practicable in contracts for the operation of AEC-owned plants and laboratories and on-site service contracts either:

(i) By administrative agreement; or

(ii) At the time of the first modification adding funds; however,

(iii) It shall be added no later than at the annual fee and scope and/or funding modification.

(2) At the annual modification for extension and/or funding for other long-term contracts.

(3) In accordance with Cost Accounting Standards Board rules and regulations for all other covered contracts.

(b) Paragraph (d) of the Cost Accounting Standards clause is revised as follows to provide access to the contracting officer in matters of dispute by first-tier subcontractors and should be inserted in all covered cost-type prime contracts in lieu of paragraph (d) of the clause:

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

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

(ii) Prices set by law or regulation.

§ 9-3.1207 Contract price adjustments.

(a)-(b) [Reserved]

(c) *Conduct of negotiations of defense and non-defense contracts and execution of supplemental agreements.* Managers of Field Offices and Heads of Headquarters Program Divisions and Offices shall notify the Director, Division of Contracts, with a copy to the Controller, of all pending negotiations of adjustments expected to amount to $10,000 or more negotiated pursuant to the Cost Accounting Standards clause and effecting AEC contracts. The notice of a negotiation to be conducted shall include the name of the contractor, the contract number, the substance of the issue or issues, the estimated amount of the adjustment involved, the cognizant Government representative, the time and place of the meeting and any other information pertinent to the negotiation.

NOTE.—Attachment C. The Cost Accounting Standards Board rules and regulations set forth in 4 CFR Part 331 et seq. (37 F.R. 4139-4174, February 29, 1972) are made a part of this AECPR Temporary Regulation 1.

JOSEPH L. SMITH,
Director, Division of Contracts.

[FR Doc.72-10635 Filed 7-11-72;8:46 am]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER G—EMERGENCY OPERATIONS

[General Order 75, 2d Rev., Amdt. 26]

PART 308—WAR RISK INSURANCE

Miscellaneous Amendments

Part 308 is hereby amended to reflect the following changes:

Amend § 308.6 *Period of interim binders and renewal procedure,* § 308.106 *Standard form of war risk hull insurance interim binder and optional disbursements insurance endorsement,* § 308.206 *Standard form of war risk protection and indemnity insurance interim binder, and* § 308.305 *Standard form of Second Seamen's war risk insurance interim binder,* by changing the expiration dates contained therein to read "midnight, August 7, 1972, G.m.t."

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

Dated: July 7, 1972.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

AARON SILVERMAN,
Assistant Secretary.

[FR Doc.72-10676 Filed 7-11-72;8:49 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 19402; FCC 72-529]

PART 43—REPORTS OF COMMUNICATION COMMON CARRIERS AND CERTAIN AFFILIATES

Conversion of FCC Form 901 to Computer Format

Report and order. In the matter of amendment of FCC Form 901, conversion of FCC Form 901 to computer format and related amendment of Part 43 of the Commission's rules, Docket No. 19402.

1. On January 19, 1972, the Commmission adopted a notice of proposed rule making in the above entitled matter. This notice was published in the FEDERAL REGISTER on January 27, 1972 (37 F.R. 1250).

2. The notice presented for comment on or before March 3, 1972, and for reply comment on or before March 14, 1972, a proposal to amend § 43.31 of Part 43 of the rules to require Class A telephone companies which had operating revenues for the preceding year in excess of $1 million to file their monthly report of financial, operating, and statistical information on Automatic Data Processing (ADP) media (punched cards) and to amend FCC Form 901, Monthly Report of Revenues, Expenses and Other Items—Telephone Companies, to expand the information reported thereon and to provide instructions for reporting on ADP media. It was further proposed that parallel reporting be required on ADP punched cards and on manually prepared report forms for a period not to exceed 12 months.

3. Comments were received from the American Telephone & Telegraph Company (A.T. & T.) and GTE Service Corp. (GTE) on behalf of its affiliated operating telephone companies. No comments or briefs in reply to the original comments were received.

4. GTE stated that it was affirming the comments of several of its telephone operating companies which comments were submitted in response to the Chief, Common Carrier Bureau's letter of July 7, 1971, with respect to the conversion of Form 901 to computer format. Those companies generally opposed the proposed conversion as cumbersome, expensive, and prone to generate errors. In addition, one company noted that certification by a telephone company of the Commission's printout of data contained on the punched cards could most effectively and economically be accomplished if the Commission were to supply the submitting company with a duplicate of its output program. GTE also stated that the Commission's plan of making immediately available for public inspection a completed Form 901 for each reporting carrier, would be most inappropriate until such company had an opportunity to certify the Commission's printout as accurate based on the data submitted by the company. GTE believes that if the Commission adopts the proposal with the immediate availability clause contained therein, such order would make a telephone company responsible for the work product of the Commission.

5. A.T. & T. stated that it believes the proposal will provide for more efficient collection and dissemination of financial data and economic study results and will impose minimal additional workload and expense on the carriers. Therefore, A.T. & T. recommended adoption of the proposed ADP media report subject to its comments which are outlined below.

6. First, A.T. & T. believes it will be impractical to comply in a meaningful manner with respect to a breakdown of selected data on overseas messages not originating with (billed by) the affected carriers. A.T. & T. stated that although all of the Bell System operating companies, as well as many independent telephone companies in the contiguous 48 States participate in furnishing overseas service and record the details of some of the overseas messages originated in their territories, these companies furnish to the Long Line Department of A.T. & T. data only with respect to messages billed in the contiguous 48 States. Therefore, A.T. & T. recommends that to the extent its Long Lines Department is furnished data by other carriers for reporting statistics on overseas messages billed in the contiguous 48 States, overseas data need not be reported by other carriers but that these statistics should be reported in a footnote to Long Lines Department Form 901. Further, with regard to the footnote matrix for reporting overseas data, A.T. & T. suggests it be revised in order to provide for "Total U.S. Billed Overseas Traffic," and that the requirement for reporting transiting and terminating traffic be omitted. A.T. & T. stated that data with respect to transiting and terminating traffic are not available on a current monthly basis because receipt of such data from overseas correspondents runs 2 to 4 months in arrears. Consequently, any data reported in the time frame specified in the proposed instructions would be fragmentary and misleading. Under the present structure of the industry, since these overseas statistics are maintained by the Long Lines Department of A.T. & T. for the Bell operating companies and the independent carriers of the 48 contiguous States, it seems appropriate and efficient to have the figures reported only from the centralized accounts. Similarly, the overseas statistics applicable to Alaska, Hawaii, Puerto

Rico, and the Virgin Islands are maintained and available from RCA Alaska Communications, Inc. (for Alaska overseas traffic), Hawaiian Telephone Co. (for Hawaii overseas traffic), All America Cables and Radio, Inc. (for Puerto Rico overseas traffic), and ITT Communications, Inc.—Virgin Islands (for Virgin Islands overseas traffic).

7. Second, A.T. & T. believes that the proposed certification and control procedures for data contained in the proposed Form 901 are repetitious and unnecessarily cumbersome. A.T. & T. asserts that under the proposed procedures the carrier is asked to certify a report produced by processes over which it has no control. Further, A.T. & T. stated that although the carrier does not verify and certify current and previous years' cumulative data appearing on the Commission's printout, it will appear that the carrier is responsible for the data if the printout is to become the official public record after the second certification. Therefore, A.T. & T. suggests that the carriers' certification to the Commisson with respect to the correctness of data generated by the carrier be limited to the data only as originally submitted by the carrier. The carrier's certified report would be filed separately in the public records, and the data generated internally by the Commission would be combined with the carrier's monthly data by ADP methods and published by the Commission as an official public report. To accomplish this, A.T. & T. suggests that carriers submit a standard key punch formatted report patterned after the proposed Form 901 to be produced by the Commission's computer. The formatted report, together with the key punched cards used to prepare the report, would be completed, verified, and certified by the carrier as its ADP media Form 901. A.T. & T.'s suggested format for the report was attached to its comments. A.T. & T. states that its suggested procedure would make any further verification unnecessary; better separate carrier and Commission functions; and the key punch formatted report would serve as a backup for lost or damaged cards and as the hardcopy report for Commission control and immediate reference purposes.

8. The Commission has considered the suggestions of A.T. & T. and of GTE with respect to certification and control procedures of data contained on the carrier's Monthly Report Form 901. The Commission recognizes that during the period (not to exceed 12 months) of parallel reporting of ADP punched cards and the manually prepared format certain additional costs will be incurred by the carriers. However, we do not believe that these costs will be large enough to be particularly burdensome. The reporting system for ADP media is being revised in order to avoid duplicate certification. Under the revised reporting instructions the Commission will prepare each month a computer formatted 901 report compiled from data certified by the carrier in its officially filed monthly report. Further, each month the Commission will forward two copies of its printout to the carrier which will be retained in the principal office of the carrier for public reference and inspection as provided for in § 343.31 of Part 43 of the rules. Specific mention of retention of the report or printout in the principal office of the carrier for "public" reference purposes represents clarification of the reference purposes for which the material is available. The printout will be appropriately annotated to make it clear that it is prepared by the Commission from carrier certified data and is not a certified carrier monthly report. Since the revised reporting instructions eliminate double certification by the carriers, there is no need to adopt the standard key punched formatted report as suggested by A.T. & T.

9. Section 43.31 of Part 43 of the Commission's rules is being amended as proposed in the notice of proposed rule making except for a minor change in terminology for clarification.

10. *Accordingly, it is ordered,* That, under authority contained in 47 U.S.C. 15 and sections 4(i), 201, 219, and 220 of the Communications Act of 1934, as amended, FCC Form 901, Monthly Report of Revenues, Expenses, and Other Items—Telephone Companies, is amended as set forth in attached Appendices A and B,[1] effective for the reporting month of June 1972, and § 43.31 of Part 43 of the Commission's rules is amended, effective August 9, 1972, as set forth in attached Appendix C; and

11. *It is further ordered,* That, under authority contained in 47 U.S.C. 15 and sections 4(i) and 219 of the Communications Act of 1934, as amended, FCC Form 901, Report of Revenues, Expenses, and Other Items—Telephone Companies, be submitted on ADP punched cards and manually prepared report forms for a period of parallel reporting not to exceed 12 months; and

12. *It is further ordered,* That this proceeding is hereby terminated.

(Secs. 4, 201, 219, 220, 48 Stat., as amended, 1066, 1070, 1077, 1078; 47 U.S.C. 154, 201, 219, 220)

Adopted: June 15, 1972.

Released: June 28, 1972.

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

APPENDIX C

In Part 43 of Chapter I of Title 47 of the Code of Federal Regulations, § 43.31 is revised to read as follows:

§ 43.31 Monthly reports of communication common carriers.

(a) Each telephone common carrier which had operating revenues for the preceding year in excess of $1 million shall file with the Commission, within forty (40) days after the end of each calendar month, a certified report on computer media as prescribed by the Commission.

(b) Each communication common carrier (other than telephone) which had operating revenues for the preceding year in excess of $250,000 shall file with the Commission, within forty (40) days after the end of each calendar month, two certified copies of a report for that month on forms prescribed (or approved) by the Commission.

(c) A copy of each such report (in the case of telephone companies, a printout from the computer media) shall be retained in the principal office of the carrier and shall be filed in such manner as to be readily available for public reference and inspection. The monthly reports shall contain all the information called for therein as prescribed by the Commission.

[FR Doc.72-10646 Filed 7-11-72;8:47 am]

[1] Appendices A and B filed as part of the original document.

[Docket No. 19378; FCC 72-569]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations in Fresno, Hanford, and Fowler, Calif.

Report and order. In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Fresno, Hanford, and Fowler, Calif.), Docket No. 19378, RM-1879.

1. The Commission has before it for consideration the notice of proposed rule making, released December 16, 1971 (FCC 71-1264), proposing to amend § 73.202(b) of the rules, the Table of FM Assignments. The rule making proceeding was instituted on a petition filed by Capital Cities Broadcasting Corp., licensee of Station KFSN-TV; Stereo Broadcasting Corp., licensee of Station KFYE-FM, Channel 229; Radio KYNO, Inc., licensee of Station KYNO-FM, Channel 238; and Universal Broadcasting Co., licensee of Station KFIG(FM), Channel 233, to resolve an interference problem. Due to spurious responses as a result of interaction of the signals within the FM receivers, the simultaneous operation of three FM stations is apparently causing interference to the service of one of the stations (KFYE-FM) in the downtown area of Fresno. The joint petitioners agreed that the problem could be resolved by changing the assignment of Station KFIG(FM) from Channel 233 to Channel 266 at Fresno, and substituting Channel 233 for Channel 266, which is presently unoccupied, at Hanford, Calif. However, we noted that the assignment of Channel 233 at Hanford would foreclose any attempt by a station operating on Channel 235 at Tulare, Calif., from a site 30 miles east of Tulare, to move to a site closer to or in Tulare, and to maintain the flexibility here where FM assignments are not overly concentrated, we proposed to substitute Channel 290 for Channel 266 at Hanford.

2. Comments in support of the proposal were filed by the licensees of three FM stations. John Sonder and Sylvia Sonder doing business as Atlas Broadcasting Co. (Atlas), licensee of AM station KXEX, Fresno, Calif., filed reply comments and request for further notice of proposed rule making on the grounds that, although the petitioner has no interest adverse to the substitution of assignment at Fresno, the substitution of Channel 290 for Channel 266 at Hanford would preclude the assignment of Channel 290 at Fresno as proposed in its petition filed on March 26, 1971.[1] Atlas points out that Channel 298 could be substituted at Hanford without conflict to other assignments and requests issuance of a further notice of proposed rule making to assign Channel 298 to Hanford and Channel 290 to Fresno. Since the Atlas proposal to assign Channel 290 to Fresno is presented in reply comments, it will not be considered herein. However, we will issue a notice of proposed rule making in another document to which comments will be invited on the merits of the Atlas proposal. As to substitution of channels at Hanford vis-a-vis Fresno, it would not be in the public interest to extend the proceeding which was instituted to expedite the resolution of an interference problem. Thus, we will instead substitute Channel 298 for Channel 266 at Hanford with a concomitant change in the assignment at Fresno from Channel 233 to Channel 266. See "Owensboro On The Air, Inc. v. United States, et al.," 262 F. 2d 702, 707–8 (C.A.D.C., 1959). The immediate resolution of the interference problem is in the public interest.

3. We further noted that Channel 279 presently assigned, but unoccupied, at Hanford is in violation of the minimum mileage separation rules with Channel 280A assigned, but also unoccupied, at Fowler, Calif., and on our own motion proposed to substitute Channel 244A for Channel 280A at Fowler. We believe that the public interest will be served to make this change in the assignment.

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

5. *Accordingly, it is ordered,* That effective August 14, 1972, the Table of FM assignments (§ 73.202(b) of the rules) is amended with respect to the cities listed below and to read as follows:

City	*Channel No.*
Fowler, Calif	244A
Fresno, Calif	229, 238, 250, 266, 270, 274
Hanford, Calif	279,298

6. *It is further ordered,* That effective August 14, 1972, and pursuant to section 316(a) of the Communications Act of 1934, as amended, the outstanding license held by Universal Broadcasting Co. for Station KFIG(FM), Fresno, Calif., is modified to specify operation on Channel 266 in lieu of Channel 233 subject to the following conditions:

(a) The licensee shall inform the Commission in writing by no later than August 14, 1972, of its acceptance of this modification.

(b) The licensee shall submit to the Commission by September 5, 1972, all necessary information complying with the applicable technical rules for modification of authorization to cover the operation of Station KFIG(FM) on Channel 266 at Fresno, Calif.

(c) The licensee may continue to operate on Channel 233 under its outstanding authorization until it is ready to operate on the new frequency and submits an application for an FM broadcast station license with proof of performance measurement data to demonstrate compliance with technical performance requirements of the rules. The licensee shall not operate on Channel 266 without prior authorization from the Commission.

7. *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,[2]

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

[FR Doc.72-10644 Filed 7-11-72;8:47 am]

[Docket No. 19475; FCC 72-578]

PART 73—RADIO BROADCAST SERVICES

Designation of Prime Hours in Mountain Time Zone

Report and order. In the matter of amendment of § 73.658(k), the "prime time access rule," with respect to the designation of prime hours in the mountain time zone, Docket No. 19475.

1. This matter, begun by notice of proposed rule making released March 16, 1972 (FCC 72-240), involves the designation of "prime time" in the mountain time zone, for the purpose of § 73.658(k), the "prime time access rule." The rule now reads in this respect as adopted in May 1970, in the report and order in Docket 12782 (23 FCC 2d 382, 395): 7–11 p.m., local time (m.t.); but its application has presented some problems in this respect, and this proceeding was instituted in an attempt to resolve them.

2. A total of 11 parties filed comments and/or reply comments herein, including seven of the nine network-affiliated TV stations in the three mountain zone markets involved (Denver, Phoenix, and Salt Lake City; Denver and Phoenix ABC affiliates did not file); two networks, National Broadcasting Co., Inc. (NBC), and American Broadcasting Co., Inc. (ABC); and two licensees of other television stations in the mountain area (KTVB, Inc., licensee of KTVR, La Grande, Oreg., and Harriscope, Inc., licensee of stations in Casper, Wyo., and Billings and Great Falls, Mont.). Eight of these parties filed initial comments (NBC, CBS, and NBC affiliates in the three markets, and the La Grande station); two of these also filed reply comments (KSL–TV, Salt Lake City CBS, and KOA–TV, Denver NBC), as did three additional parties filing reply comments only (ABC, KCPX-TV (Salt Lake City ABC) and Harriscope).

3. Five of the nine stations directly involved supported the change to 6–10 m.t. as proposed in the notice, as did NBC, the latter also urging an additional modification to take account of "runovers" beyond 3 hours, particularly in sports events.[1] The La Grande, Oreg., station also supported the proposal. Two parties opposed the change, the licensees of the Salt Lake City and Denver CBS affiliates (KSL–TV and KLZ–TV respectively); these parties essentially urged retention of the "option" arrangement adopted last fall for the 1971–72 season, under which 7–11 p.m., m.t., remain the prime hours specified by rule, but stations were given an option to redesignate their prime hours as 6–10 m.t. if they wished to do so. Only a few stations took advantage of this, none in Salt Lake City, which is where most of the problems have arisen. KSL–TV also urged that a "21 hours a week" standard be adopted for these stations. Harriscope suggested a different solution in view of the allegedly unique problems of the mountain zone: Define "prime time" for the mountain zone in terms of 5 hours a night, rather than four, and, in effect, permit the stations involved to devote 4 of the 5 hours to network material, leaving 1 hour for nonnetwork sources. ABC, filing reply comments only, opposed the idea of any "21 hours a week" relaxation, and expressed general support for the NBC proposal to accommodate runovers.

BACKGROUND

4. As mentioned above, the May 1970 report and order in Docket 12782 defined the 4-hour "prime time" period for all four time zones including mountain (7–11 p.m. in all three zones other than central, and 6–10 p.m. in the central zone). However, it was recognized that possibly the formulation as to the mountain zone might warrant change; footnote 34 to the decision (23 FCC 2d 382, 395) stated that if the specified period warranted adjustment for the one market then involved (Denver), this could be effectuated upon an appropriate request. During the late spring and summer of 1971, there were such requests by the Denver and Phoenix NBC affiliates, asking that the 6–10 period be designated as "prime time" instead. This was opposed by other parties, including KSL–TV and CBS, on the ground that it was simply too late before the 1971–72 season to change plans and arrangements already adopted in reliance on the rule. After considering this

[1] RM–1928. The Commission was not aware that said petition had been filed when a substitute channel was proposed for Hanford, Calif.

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

[1] One of these parties, KOA–TV, Denver NBC, in its reply comments stated that it would not object to the KSL–TV proposal for that station and its market, although it wants 6–10 p.m. for itself.

matter, the Commission on October 6, 1971, issued a memorandum opinion and order (32 FCC 2d 66, FCC 71–1038) recognizing both aspects of the problem (including the assertions of proponents of the change that 6–10 really is the "prime" period for these stations, on the basis of actual audience, station rates, and practices with respect to the scheduling of local and network evening programs). We left the rule as it was, but gave stations the option mentioned above, to redesignate the 6–10 period as prime time if they wished to do so. Only a minority did so, none in Salt Lake City.

5. Since that time, the Commission has had to pass on numerous requests for waiver of the rule, nearly all of them from Salt Lake City stations and the majority of these from KUTV, the NBC affiliate (KCPX–TV, ABC, has asked for and received only one; KSL–TV, CBS, has asked for and been granted two). Typically, these have involved two types of situations: (1) Material preempting NBC's "Tonight" show, which is regularly presented by these stations at 10:30 p.m. m.t. (NBC refuses to let it be carried later than this 1-hour delay compared to its live presentation in the eastern and central zones),[2] and (2) overruns of prime time network programs which occur outside of prime time in the eastern and central zones (and usually in the Pacific zone) but fall within it in the mountain zone for stations continuing to observe the 7–11 hours as prime time (these are usually movies starting at 9 p.m., e.t., and carried with a 1-hour delay at 8 p.m., m.t., regularly running until 10 p.m. but sometimes longer, necessitating waiver of the rule). In an effort to avoid continuation of these situations—which are undesirable both from our standpoint and that of the stations, since often they cannot be sure until too late for proper notice to the public—we instituted the present proceeding.

ARGUMENTS ADVANCED IN THE FILINGS

6. One of the arguments common to many of the comments herein, particularly by opponents of the change but also by some of its proponents, is the asserted "uniqueness" of the mountain zone situation. This arises largely from the fact that the networks do not have any separate "feed" to this area which stations can generally use on a "live" or simultaneous basis. Instead, most programs are taped and broadcast on a "delayed" basis.[3] This is expensive, and various parties urge that it is reason for treating this area differently, and with lighter restrictions or none at all. KSL–TV asserts that one consequence of this is that there is no fixed pattern of broadcasting in the zone from which a definite 4-hour "prime time" period can be determined, with audiences and practices varying considerably between stations. Another distinctive feature of television in this area is the extensive rebroadcast operations which KUTV, at least, is involved in, feeding NBC programs to 10 or 12 stations in smaller markets in the mountain zone, as we have noted in connection with some of its waiver requests.

7. *Supporting arguments.* The various parties supporting the Commission's proposal, particularly KUTV (Salt Lake City, NBC), NBC, and KCPX (Salt Lake City ABC), urged essentially three lines of argument. The first is that a change in the rule is necessary in the public interest, and the "option" arrangement adopted last October simply has not worked, at least in the Salt Lake City market, and cannot be expected to as long as one station remains at 7 to 11. This, it is said, is because if one station does so, the others will have to also, in order to avoid the later station getting a competitive advantage (for example, by presenting popular "off-network reruns" between 6 and 7, which are outside of its prime time but within the prime time of the others, who therefore cannot broadcast such material). Therefore, it is asserted, the Commission will be faced with a continuing flow of waiver requests, just as it has in recent months, and stations will be faced with confusion and possible disruption of schedules. KUTV, as a second point, claims that this is particularly bad with respect to the smaller markets to which it feeds NBC programs, which are indirectly affected by the rule even though these markets are far below the level meant to be affected, and where the effect of the rule should be made as easy as possible. As NBC puts it, almost any deviation by the networks from the basic pattern of evening broadcast activity puts these mountain zone stations in technical violation of the rule.

8. The other main line of argument is that basically 6–10 m.t. does more closely approximate "prime time" in its usual sense than does 7–11. For example, we pointed out in our action of October, granting the stations a choice, that ARB figures for the mountain zone reflect the 6–10 period, and NBC points out that if later hours were used instead, Salt Lake City would not be in the top 50 markets at all (its argument is based on a comparison of average prime time homes in the period 6:30–10 as compared to 7:30–11, for the November 1971 period, with the latter somewhat less). KUTV points to the rates of the nine stations in the three large mountain zone markets, in terms of what their rate cards show as "prime time." For six of the nine stations, the highest rated period starts at 6:30, and for three at 6 (none later than 6:30); and for six of the nine stations the highest rated period ends at 10, with three ending at or about 10:30 (none later than 10:35). It is also claimed that the pattern of programing shows essentially the same situation, generally similar to the central zone in terms of local time. KSL, although opposing the change in the rule, presented pertinent information in this respect: All Salt Lake City stations carry their early evening network news before 6, with local news on two of them running to 6:30; and two of the three have local news again at 10 (KCPX carries it at 11).

9. *Opposing arguments.* KLZ, the Denver CBS affiliate, in its brief comments expressed support for the present system as adopted in our October action, under which the rule continues to specify 7–11 but stations may switch to 6–10 for the whole season if they wish to (KLZ has not). This party mentions our statement in the October action (32 FCC 2d 68) that a change applicable to so few markets and stations "could have, at most, insubstantial impact on attainment of the rule's objectives," urging that since this is so, stations should select the time period they choose. It is urged that the Commission's more specific objectives in the present situation may be achieved simply by saying that there will be no more waivers for stations remaining at 7–11. The importance of "flexibility" in this unique mountain zone is urged, in view of the special problems, as well as the absence of any real public interest in a change.

10. The comments of KSL, Salt Lake City CBS, strongly opposing a change, were more elaborate. It is claimed that: (1) The same reasons obtain now as last October for not making a required change to 6–10 p.m. since KSL has relied on the 7–11 hours in setting up its schedule and buying nonnetwork programs for next season, so that at least the change should not be effective this year;[4] (2) the uniqueness of the mountain zone and the Salt Lake City market, mentioned above, including 104 KSL translators and similar numbers for the other stations, which are the reason why Salt Lake City is in the top 50 markets and the licensees there "should not be punished for this public service endeavor," often the only source of TV signals to outlying areas; (3) the circumstances making this part of the country unique also mean that there is no fixed "prime time" period, resulting in more diversity in scheduling (e.g. news), to the benefit of the public,

[2] KUTV, Salt Lake City, is the only one of the three affiliates which has this problem, since those in Denver and Phoenix elected to switch to 6–10 p.m. as prime hours. KUTV manages to accommodate the Tonight show itself within the 3-hour limitation (inter alia by running some network prime time material before 7 p.m.), but when material of a preempting nature is carried on the network instead, such as the Winter Olympic material of early 1972, problems arise.

[3] The network feeds to the eastern and central zones are on a live and simultaneous basis, the 1-hour difference apparently not being a serious problem. The Pacific coast is nearly always programed on a 3-hour delayed basis, with a delayed feed from the networks' owned stations in Los Angeles or San Francisco.

[4] The only details of this reliance given are that KSL has invested substantial sums in prime time movies, some more than 2 years old in order that they can be shown during prime time under § 73.658(k) (3). If the rule is changed to specify 6–10 p.m. it is asserted that KSL will not be able to show these movies during prime time (presumably, this means that while the station can still show them at the same time, it will no longer be in what is denominated as "prime time" in the rule). It does not appear why this would affect the audience for this nonnetwork material, or the rates KSL can get for it. KSL also mentions the increased taping that will be necessary (if the prime time hours are changed) at considerable expense; and the burden to it and CBS in obtaining sponsor agreement to changes in the evening lineup which will result if the hours are changed.

a situation which would probably end with the proposed change in the rules; (4) flexibility is needed in view of the special circumstances, and a fixed, inflexible 6–10 period will not necessarily eliminate the troublesome waiver requests, will cause KSL undue hardship and will be contrary to the best interests of the public, in a situation where we have said the impact on regulatory objectives is "insubstantial" anyhow. KSL recommends, instead, a rule permitting the 6–10 or 7–11 option and also permitting leeway within a "21 hours a week" standard. This, it is said, will achieve our objectives and remove the necessity for waivers (at least KSL will ask for none).

11. KSL also filed reply comments, again urging that "prime time" in the mountain zone is an amorphous term, not susceptible to clear definition, and that, for example, 6–6:30, which would become prime time under the rule, is now sold by KSL at $140 per commercial minute, whereas the 10–10:30 period, which would be nonprime time under the change, has a rate of $240, indicating that 7–11 is to be preferred as a definition. It is also urged that KUTV's "Tonight" show problem arises from its own scheduling practices, and is not inherent in the situation of these stations; and that KUTV does not need any particular scheduling pattern on its own station in order to feed material (via Western Microwave, affiliated with it) to other stations in smaller markets, at any time, regardless of KUTV's own schedule.

12. *Additional proposal of NBC.* Besides supporting a change to 6–10 p.m. NBC urged one additional point as appropriate in the rule. This was that any "runover" occurring outside prime time in other zones, particularly eastern and central, should not be counted against the 3 hours in the mountain zone. NBC has in mind particularly sports events, carried simultaneously throughout the country, which start at an hour such as 8 or 8:30 p.m., e.t., and thus at 6 or 6:30 m.t. If these last longer than 3 hours, waiver will be necessary for mountain zone stations even under a 6–10 definition.

Discussion and Conclusions

13. Upon careful consideration of the matters set forth in the comments and above, we are of the view that the proposed change to 6–10 p.m., m.t., as a matter of rule, should be made; and that NBC's suggestion, just mentioned, should be adopted in part.

14. As noted above, the majority of the parties directly involved, who filed, supported the change to 6–10 p.m. as a matter of rule (including KCPX in Salt Lake City, which has been involved in fewer requests for waiver of the rule than the other two stations there). KSL and KLZ, the Salt Lake City and Denver CBS affiliates, were the only parties opposing it, urging that the 6–10 or 7–11 "option" be retained. We cannot agree that this is desirable, in view of the developments in the Salt Lake City market which have occurred during the past several months, with frequent requests for waivers of the rule, including some by all of the three stations, resulting in uncertainty, confusion, and some disruption. As long as one of the three stations in Salt Lake City remains on 7–11 basis, it appears that the others will also; and this has presented, and doubtless would continue to present, at least some problems for all of them in terms of the operation of the rule. While these problems have been largely related to KUTV and the NBC network's scheduling practices, this has by no means always been true. KUTV and the other mountain zone affiliates have managed to accommodate themselves to the particular problem involving the "Tonight" show; it is when NBC presents material preempting this, or NBC movies start at 9 in the East and run over 2 hours, that there are problems, and the same is true with CBS movies and KSL, which have necessitated two waivers. Rather, this appears to be a situation in which a general rule, adopted in furtherance of important regulatory objectives, presents problems in one particular area because of circumstances peculiar to that area, in this case the mountain zone's more or less "in between" situation and the absence of a separate network "feed" for this zone.[5]

15. The "option" arrangement which has prevailed during the 1971–72 season does not appear to hold realistic promise of working any better in the future than it has so far, at least as far as Salt Lake City is concerned; and we are persuaded that adjustment is necessary, in the direction of providing a fixed standard for all. It also appears that 6–10 is a better choice than 7–11. This is true both because it will minimize the problems involved (e.g., movie "overruns" beyond 11 p.m., e.t. or 10 p.m., m.t.), and because it appears to represent a somewhat better approximation of what really are "prime hours." As noted earlier, ARB data is based on 6–10 figures (see the argument of NBC above in this connection), and this period corresponds more closely to these nine stations' top-rated time (some start a 6, whereas none go past 10:35). Also, it appears that 6–10 corresponds much more closely to primetime program scheduling practices, just as in the central zone, with all Salt Lake City finishing their network news by 6, and two of them (including KSL) running local news at 10. Thus, despite the point urged by KSL in reply comments and noted above, we are persuaded that in general 6–10 is preferable in this respect to 7–11.[6]

16. In this connection, we note the arguments of KSL and KLZ that last October we stated that the change in these few markets from 7–11 to 6–10, or vice versa, would be "insubstantial" as far as the objectives of the rule are concerned. In the sense in which this was meant, it was true, and doubtless still is: The availability of audience for network or nonnetwork material would not be substantially affected by either formulation as compared to the other. However, experience since has shown that there are other factors involved, such as the relationship of the time selected to prime time in other time zones and to the general pattern of network scheduling. For reasons mentioned above, we conclude that the action taken herein is needed, appropriate and in the public interest.

17. Nor do we conceive that the impact on the two objecting stations will be severe, or enough to equal in importance the other factors. With respect to KSL, which particularly urged this point, it claims that hardship will result to it, including that resulting from reliance on the 7–11 period or at least the option to retain it. However, as mentioned, few details of this are given; it is claimed that KSL has invested substantially in feature film more than 2 years old to be used during prime time, but there appears no reason why it cannot present the material at exactly the same time it previously planned to, even though perhaps that will not now be denominated "prime time" for the purpose of the rule. We do not conceive the other point urged—the burden of getting sponsor acceptance of a new arrangement of programming—to be a substantial problem warranting consideration as a public-interest factor. In any event, if there has really been such reliance, it was perhaps not well placed. KSL could have been aware from our October decision that we thought a 6–10 designation of time might well be preferable, and that we were not adopting it at that time chiefly because the 1971–72 season had already begun. We formalized our tentative views in this respect in the March 15 notice of proposed rule making herein, and KSL was aware of this possibility shortly before that. These are, at most, private-interest factors, not amounting to enough to affect this public-interest determination.

18. As indicated previously, two other suggestions were advanced in comments, which we are not adopting. One is that we go to a "five-hour period" for determining what is prime time in the mountain zone (presumably, 6–11), and permit

[5] In other words, this zone presents the need for working out a compromise between time differentials in the United States, and the time schedule which governs local life. If programs were presented simultaneously with New York, as they are in the central zone, they would be 2 hours earlier in terms of local time, which appears to be simply too much difference (e.g., network news at 4 or 4:30). Usually, as noted above, regular programs are delayed 1 hour, so as to be 1 hour earlier in local time than they are in New York, or the same as they are in the central zone in terms of local time.

[6] It appears conceivable that actually 6:30–10:30 would correspond more closely to what are really "prime hours," in light of all factors, than either of the alternatives beginning at 6 or 7. However, no party urged this, and we do not believe it desirable to hold this proceeding open any longer to explore the possibility. If some interested party wants to seek such a regulation, it may do so by petition.

4 hours of network material in that period. This general approach might have some possibilities as an ultimate matter, although likely with a limitation to 3½ rather than 4 hours; but it was advanced in this proceeding only in reply comments, and thus there has not been sufficient opportunity for exploration to warrant adopting it at this time. The other was a "21 hours a week" formulation advanced by KSL along with its "option" proposal. We have considered and rejected this before as far as the present is concerned, for example in "American Broadcasting Companies, Inc.", 33 FCC 2d 1038 (March 1972); and our reasons for doing so need not be repeated here.

19. We are also adopting part—but only part—of NBC's proposed amendment concerning "runovers", for example of sports events starting at 8 p.m., e.t., or 6 p.m., m.t., and which may run over 3 hours. We agree that this is a problem, which has required consideration of individual waiver requests in the past, some of which could well be eliminated. However, the NBC proposal would also include changes which go beyond any modification of the rule which should be considered at this time. For example, we do not believe it appropriate to permit an arrangement under which a sports event starts at 8:30 p.m., e.t. (6:30 p.m., m.t.), preceded by a half-hour pregame show, and then the event itself runs over 2½ hours. Nor do we believe it in order to permit unlimited running of a sports event starting at 9 p.m, e.t. (7 p.m, m.t.), preceded by an hour network program, such as ABC schedules in connection with its Monday night professional football game programing. Likewise, we do not see any reason to extend this relaxation to material which is not presented simultaneously on the network throughout the 48 States, for example a movie over 3 hours. Accordingly, we are adding a Note to the rule, stating that for mountain zone stations, excess of network programing over 3 hours will not be considered a violation of the rule, where: (1) The excess consists of material broadcast simultaneously on the network throughout the 48 States; and (2) the station broadcasts no other network material in prime time the same evening.

ACTION

20. In the October 1972 decision providing for the "option" to these stations, it was stated that the election, once made, would extend through September 30, 1972. Accordingly, the new rule is effective October 1, 1972, the beginning of the new season for other purposes of the rule.

21. In view of the foregoing: *It is ordered*, That, effective October 1, 1972, § 73.658(k) of the rules is amended, as set forth below. This action is taken pursuant to section 4(i) and 303(f) and (i) of the Communications Act of 1934, as amended.

22. *It is further ordered*, That this proceeding, Docket No. 19475, is terminated.

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

Adopted: June 28, 1972.

Released: July 6, 1972.

FEDERAL COMMUNICATIOS COMMISSION[7]
BEN F. WAPLE,
Secretary.

Section 73.658(k)(1) is amended, and a Note follows Paragraph (k) to read as follows:

§ 73.658 Affiliation agreements and network program practices.

* * * * *

(k) *Prime time access rule.* (1) After October 1, 1971, no television stations, assigned to any of the top 50 markets in which there are three or more operating commercial television stations, shall broadcast network programs offered by any television network or networks for a total of more than 3 hours per day between the hours of 7 p.m. and 11 p.m. local time, except that in the central and mountain time zones the relevant period shall be between 6 p.m. and 10 p.m. local time.

* * * * *

NOTE: For stations in the mountain time zone, network programs broadcast in excess of 3 hours during prime time in any evening shall not be counted, where: (1) The program is a sports event or other program broadcast simultaneously on the network throughout the 48 conterminous States; and (2) the station broadcasts no other network material (including "pre-game shows") during prime time the same evening.

* * * * *

[FR Doc.72-10647 Filed 7-11-72;8:47 am]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 1033—CAR SERVICE

[S.O. 1101]

Erie Lackawanna Railway Co. Authorized To Operate Over Certain Tracks

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C. on the 3rd day of July 1972.

It appearing, that the Erie Lackawanna Railway Co. (EL) is unable to operate over its lines between Waverly, N.Y., and Buffalo, N.Y., because of severe track and bridge damage resulting from flooding; that the Lehigh Valley Railroad Co. (John F. Nash and Robert C. Haldeman, trustees) (LV) has agreed to permit the EL to operate over LV tracks between Sayre, Pa. (Waverly, N.Y.) and Buffalo, N.Y., a distance of approximately 173 miles; that operation by the EL over the aforementioned LV tracks is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impractical and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1101 Service Order No. 1101.

(a) *Erie Lackawanna Railway Co. authorized to operate over tracks of Lehigh Valley Railroad Co. (John F. Nash and Robert C. Haldeman, Trustees).* The Erie Lackawanna Railway Co. be, and it is hereby, authorized to operate over tracks of the Lehigh Valley Railroad Co. (John F. Nash and Robert C. Haldeman, trustees) between Sayre, Pa. (Waverly, N.Y.) and Buffalo, N.Y., a distance of approximately 173 miles.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Rates applicable.* Inasmuch as this operation by the Erie Lackawanna Railway Co. over tracks of the Lehigh Valley Railroad Co. is deemed to be due to carrier's disability, the rates applicable to traffic moved by the Erie Lackawanna Railway Co. over these tracks of the Lehigh Valley Railroad Co. shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 11:59 p.m., July 3, 1972.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., September 3, 1972, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.72-10659 Filed 7-11-72;8:48 am]

[7] Commissioners Burch, Chairman; and Johnson Absent; Commissioner Bartley concurring and issuing a statement, which is filed as part of the original document; Commissioner Reid concurring in part and issuing a statement in which Commissioner Wiley joins, which is filed as part of the original document.

Title 7—AGRICULTURE

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

SUBCHAPTER A—COMMODITY STANDARDS AND STANDARD CONTAINER REGULATIONS

PART 29—TOBACCO INSPECTION

Subpart C—Standards

On June 3, 1972, notice of proposed rule making regarding the issuance of Official Standard Grades for Kentucky and Tennessee Fire-cured Tobacco, U.S. Types 22 and 23, was published in the FEDERAL REGISTER of June 3, 1972 (37 F.R. 11179).

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 use of producers and buyers. Official grading service is also provided under the Act on both a mandatory and a permissive basis.

The notice of proposed rule making provided recommendations to update the current official standards for Kentucky and Tennessee Fire-cured tobacco. These standards have been in effect 12 years.

During the past few years on-the-market experience has pointed out a need for revised standards which would more accurately reflect present-day production and marketing practices. These changes were requested by supervisory inspection personnel and endorsed by interested trade members.

Primarily the changes pertain to the elements of quality. The significance of the elements "oil" and "leaf surface" has reversed in recent years. Oil, now considered a quality determinant in these two types, is incorporated as an element of quality. Leaf surface, on the other hand, is deleted since it is no longer considered a quality indicator in these types. In addition, 3° are considered a sufficient range for each element of quality. The current standards provide 3° for each element except maturity which has 5°. Accordingly, the degrees "underripe" and "mellow" are deleted from the range of maturity.

Grade specifications, definitions, and rules are revised to reflect the changes in the elements of quality and to facilitate grade application. Size 47 is added to provide adequate measurement for the longer, first-quality tobacco appearing in the A, B, and C groups.

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 the heading "Official Standard Grades for Fire-cured Tobacco (U.S. Types 22 and 23)" and §§ 29.2501 through 29.2696 and substituting therefor the following:

OFFICIAL STANDARD GRADES FOR KENTUCKY AND TENNESSEE FIRE-CURED TOBACCO (U.S. TYPES 22 AND 23)

DEFINITIONS

ELEMENTS OF QUALITY

SIZES

RULES

GRADES

SUMMARY OF STANDARD GRADES

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.).

OFFICIAL STANDARD GRADES FOR KENTUCKY AND TENNESSEE FIRE-CURED TOBACCO (U.S. TYPES 22 AND 23)

DEFINITIONS

§ 29.2501 Definitions.

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

§ 29.2502 Air-dried.

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

§ 29.2503 Body.

The thickness and density of a leaf or the weight per unit of surface. (See chart, § 29.2601.)

§ 29.2504 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).

§ 29.2505 Class.

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

§ 29.2506 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, § 29.2620.)

§ 29.2507 Color.

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

§ 29.2508 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, § 29.2601.)

§ 29.2509 Color symbols.

As applied to these types, color symbols are L—light brown, F—medium brown, D—dark brown, M—mixed or variegated VF—greenish medium brown, and G—green.

§ 29.2510 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.

§ 29.2511 Crude.

A subdegree of maturity. Crude leaves are usually hard and slick as a result of extreme immaturity. A similar condition may result from firekill, 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, § 29.2635.)

§ 29.2512 Cured.

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

§ 29.2513 Damage.

The effect of mold, must, rot, black rot, or other fungus 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, § 29.2636.)

§ 29.2514 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, § 29.2638.)

§ 29.2515 Elasticity.

The flexible, springy nature of the tobacco leaf to recover approximately its original size and shape after it has been stretched. (See chart, § 29.2601.)

§ 29.2516 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 § 29.2601.

§ 29.2517 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.

§ 29.2518 Finish.

The reflectance factor in color perception. Finish indicates the sheen or shine of the surface of a tobacco leaf. (See chart, § 29.2601.)

§ 29.2519 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.

§ 29.2520 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, § 29.2638.)

§ 29.2521 Form.

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

§ 29.2522 Grade.

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

§ 29.2523 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.

§ 29.2524 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, § 29.2634.)

§ 29.2525 Greenish.

A term applied to greenish-tinged tobacco. Any leaf which has a greenish tinge or a pale green color affecting 20 percent or more of its surface may be described as greenish. (See rule 17, § 29.2633.)

§ 29.2526 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 these types are Wrappers (A), Heavy Leaf (B), Thin Leaf (C), Lugs (X), Nondescript (N), and Scrap (S).

§ 29.2527 Injury.

Hurt or impairment from any cause except the fungous or bacterial diseases which attack tobacco in its cured state. (See rule 15, § 29.2631.)

§ 29.2528 Leaf scrap.

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

§ 29.2529 Leaf structure.

The cell development of a leaf as indicated by its porosity. (See chart, § 29.2601.)

§ 29.2530 Length.

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

§ 29.2531 Lot.

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

§ 29.2532 Maturity.

The degree of ripeness. (See chart, § 29.2601.)

§ 29.2533 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 16, § 29.2632.)

§ 29.2534 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, § 29.2638.)

§ 29.2535 No grade.

A designation applied to a lot of tobacco classified as nested, offtype, rework, or semicured; 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, § 29.2638.)

§ 29.2536 Offtype.

Tobacco of distinctly different characteristics which cannot be classified as Fire-cured, U.S. Type 22 or 23. (See rule 22, § 29.2638.)

§ 29.2537 Oil.

A soft, semifluid constituent of tobacco. (See chart, § 29.2601.)

§ 29.2538 Order (case).

The state of tobacco with respect to its moisture content.

§ 29.2539 Package.

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

§ 29.2540 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.

§ 29.2541 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.

§ 29.2542 Raw.

Freshly harvested tobacco or tobacco as it appears between the time of harvesting and the beginning of the curing process.

§ 29.2543 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.

§ 29.2544 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, § 29.2638.)

§ 29.2545 Semicured.

Tobacco in the process of being cured or which is partially but not thoroughly cured. (See rule 22, § 29.2638.)

§ 29.2546 Side.

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

§ 29.2547 Size.

The length of tobacco leaves. (See chart, § 29.2606.)

§ 29.2548 Sound.

Free of damage.

§ 29.2549 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, § 29.2626.)

§ 29.2550 Steam-dried.

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

§ 29.2551 Stem.

The midrib or large central vein of a tobacco leaf.

§ 29.2552 Stemmed.

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

§ 29.2553 Strength.

The stress a tobacco leaf can bear without tearing. (See chart, § 29.2601.)

§ 29.2554 Strips.

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

§ 29.2555 Subgrade.

Any grade modified by a special factor symbol.

§ 29.2556 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.

§ 29.2557 Sweating.

The condition of tobacco in the process of fermentation.

§ 29.2558 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, cutting, clippings, trimmings, siftings, or dust.

§ 29.2559 Tobacco products.

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

§ 29.2560 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.

§ 29.2561 Type 22.

That type of Fire-cured tobacco, known as Eastern District Fire-cured, produced principally in a section east of the Tennessee River in southern Kentucky and northern Tennessee.

§ 29.2562 Type 23.

That type of Fire-cured tobacco, known as Western District Fire-cured or Dark-fired, produced principally in a section west of the Tennessee River in Kentucky and extending into Tennessee.

§ 29.2563 Undried.

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

§ 29.2564 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 14, § 29.2630.)

§ 29.2565 Unsound (U).

Damaged under 20 percent. (See rule 20, § 29.2636.)

§ 29.2566 Unstemmed.

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

§ 29.2567 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 to damage if treated in the customary manner. (See rule 21, § 29.2637.) (For extremely wet or watered tobacco, see rule 22, § 29.2638.)

§ 29.2568 Width.

The relative breadth of a tobacco leaf expressed in relation to its length. (See chart, § 29.2601.)

ELEMENTS OF QUALITY

§ 29.2601 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.
Uniformity	Expressed in percentages.		
Injury tolerance.	Expressed in percentages.		

SIZES

§ 29.2606 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

§ 29.2616 Rules.

The application of these official standard grades shall be in accordance with §§ 29.2617–29.2638.

§ 29.2617 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.

§ 29.2618 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.

§ 29.2619 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.

§ 29.2620 Rule 4.

All standard grades must be clean.

§ 29.2621 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.

§ 29.2622 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.

§ 29.2623 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.

§ 29.2624 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.

§ 29.2625 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 one percent of the tobacco shall be overlooked.

§ 29.2626 Rule 10.

Any special factor 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.

§ 29.2627 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.

§ 29.2628 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.

§ 29.2629 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.

§ 29.2630 Rule 14.

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.

§ 29.2631 Rule 15.

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.

§ 29.2632 Rule 16.

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."

§ 29.2633 Rule 17.

Any lot of tobacco containing 20 percent or more of greenish leaves or any lot which contains 20 percent of greenish and green leaves combined shall be designated by the color symbol "VF."

§ 29.2634 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."

§ 29.2635 Rule 19.

In the B, C, and X groups crude leaves shall be restricted to the fourth and fifth qualities of green grades. Any lot containing 20 percent or more of crude leaves shall be classified as Nondescript.

§ 29.2636 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."

§ 29.2637 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."

§ 29.2638 Rule 22.

Tobacco shall be designated No Grade, using the grademark "No-G," when it is dirty, nested, offtype, semicured, 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

§ 29.2661 Wrappers (A Group).

This group consists of leaves usually grown at or above the center portion of the stalk. Cured leaves of this group are elastic and show a low percentage of injury affecting wrapper yield.

U.S. grades	*Grade names and specifications*
A1F	Choice Medium-brown Wrappers Thin to medium body, ripe, firm, rich in oil, elastic, strong, bright finish, deep color intensity, spready, 90 percent uniform, and 10 percent of leaves not lower than B1 or C1.
A2F	Fine Medium-brown Wrappers Thin to medium body, ripe, firm, rich in oil, elastic, strong, bright finish, deep color intensity, spready, 75 percent uniform, and 25 percent of leaves not lower than B2 or C2.
A3F	Good Medium-brown Wrappers Thin to medium body, ripe, firm, oily, elastic, strong, clear finish, moderate color intensity, spready, 60 percent uniform, and 40 percent of leaves not lower than B3 or C3.
A1D	Choice Dark-brown Wrappers Thin to heavy body, ripe, firm, rich in oil, elastic, strong, bright finish, deep color intensity, spready, 90 percent uniform, and 10 percent of leaves not lower than B1 or C1.
A2D	Fine Dark-brown Wrappers Thin to heavy body, ripe, firm, rich in oil, elastic, strong, bright finish, deep color intensity, spready, 75 percent uniform, and 25 percent of leaves not lower than B2 or C2.
A3D	Good Dark-brown Wrappers Thin to heavy body, ripe, firm, oily, elastic, strong, clear finish, moderate color intensity, spready, 60 percent uniform, and 40 percent of leaves not lower than B3 or C3.

§ 29.2662 Heavy Leaf (B Group).

This group consists of leaves which are medium to heavy in body.

U.S. grades	*Grade names and specifications*
B1F	Choice Medium-brown Heavy Leaf Medium body, ripe, firm, oily, elastic, strong, bright finish, deep color intensity, normal width, 95 percent uniform, and 5 percent injury tolerance.

U.S. grades	Grade names and specifications
B2F	Fine Medium-brown Heavy Leaf Medium body, ripe, firm, oily, elastic, strong, clear finish, deep color intensity, normal width, 90 percent uniform, and 10 percent injury tolerance.
B3F	Good Medium-brown Heavy Leaf Medium body, ripe, 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 30 percent injury tolerance.
B1D	Choice Dark-brown Heavy Leaf Heavy, ripe, firm, oily, elastic, strong, bright finish, deep color intensity, normal width, 95 percent uniform and 5 percent injury tolerance.
B2D	Fine Dark-brown Heavy Leaf Heavy, ripe, firm, oily, elastic, strong, clear finish, deep color intensity, normal width, 90 percent uniform, and 10 percent injury tolerance.
B3D	Good Dark-brown Heavy Leaf Heavy, ripe, 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 or Variegated Heavy Leaf Medium to heavy body, ripe, firm, oily, semielastic, normal strength, clear finish, normal width, 80 percent uniform, and 20 percent injury tolerance.
B4M	Fair Mixed Color or Variegated Heavy Leaf Medium to heavy body, mature, close, lean in oil, inelastic, weak, dull finish, 70 percent uniform, and 30 percent injury tolerance.
B5M	Low Mixed Color or Variegated Heavy Leaf Medium to heavy body, mature, close, lean in oil, inelastic, weak, dull finish, narrow, 60 percent uniform, and 40 percent injury tolerance.
B3VF	Good Greenish Medium-brown Heavy Leaf Medium body, mature, firm, oily, semielastic, normal strength, clear finish, normal width, 80 percent uniform, and 20 percent injury tolerance.
B4VF	Fair Greenish Medium-brown Heavy Leaf Medium body, mature, close, lean in oil, inelastic, weak, dull finish, narrow, 70 percent uniform, and 30 percent injury tolerance.
B5VF	Low Greenish Medium-brown Heavy Leaf Medium body, mature, close, lean in oil, inelastic, weak, dull finish, narrow, 60 percent uniform, and 40 percent injury tolerance.
B3G	Good Green Heavy Leaf Heavy, mature, firm, oily, semielastic, normal strength, clear finish, normal width, 80 percent uniform, and 20 percent injury tolerance.
B4G	Fair Green Heavy Leaf Heavy, mature, close, lean in oil, inelastic, weak, dull finish, narrow, 70 percent uniform, and 30 percent injury tolerance.
B5G	Low Green Heavy Leaf Heavy, immature, close, lean in oil, inelastic, weak, dull finish, narrow, 60 percent uniform, and 40 percent injury tolerance.

§ 29.2663 Thin Leaf (C Group).

This group consists of leaves that are thin in body.

U.S. grades	Grade names and specifications
C1L	Choice Light-brown Thin Leaf Thin, ripe, firm, oily, semielastic, normal strength, bright finish, deep color intensity, normal width, 95 percent uniform, and 5 percent injury tolerance.
C2L	Fine Light-brown Thin Leaf Thin, ripe, firm, oily, semielastic, normal strength, clear finish, deep color intensity, normal width, 90 percent uniform, and 10 percent injury tolerance.
C3L	Good Light-brown Thin Leaf Thin, ripe, firm, oily, inelastic, normal strength, clear finish, moderate color intensity, normal width, 80 percent uniform, and 20 percent injury tolerance.
C4L	Fair Light-brown Thin Leaf Thin, mature, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 70 percent uniform, and 30 percent injury tolerance.
C5L	Low Light-brown Thin Leaf Thin, mature, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 60 percent uniform, and 40 percent injury tolerance.
C1F	Choice Medium-brown Thin Leaf Thin, ripe, firm, oily, semielastic, normal strength, bright finish, deep color intensity, normal width, 95 percent uniform, and 5 percent injury tolerance.
C2F	Fine Medium-brown Thin Leaf Thin, ripe, firm, oily, semielastic, normal strength, clear finish, deep color intensity, normal width, 90 percent uniform, and 10 percent injury tolerance.
C3F	Good Medium-brown Thin Leaf Thin, ripe, firm, oily, inelastic, normal strength, clear finish, moderate color intensity, normal width, 80 percent uniform, and 20 percent injury tolerance.
C4F	Fair Medium-brown Thin Leaf Thin, mature, 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, mature, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 60 percent uniform, and 40 percent injury tolerance.
C1D	Choice Dark-brown Thin Leaf Thin, ripe, firm, oily, semielastic, normal strength, bright finish, deep color intensity, normal width, 95 percent uniform, and 5 percent injury tolerance.
C2D	Fine Dark-brown Thin Leaf Thin, ripe, firm, oily, semielastic, normal strength, clear finish, deep color intensity, normal width, 90 percent uniform, and 10 percent injury tolerance.
C3D	Good Dark-brown Thin Leaf Thin, ripe, firm, oily, 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, mature, 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, mature, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 60 percent uniform, and 40 percent injury tolerance.
C3M	Good Mixed Color or Variegated Thin Leaf Thin, ripe, firm, oily, inelastic, normal strength, clear finish, normal, width, 80 percent uniform, and 20 percent injury tolerance.
C4M	Fair Mixed Color or Variegated Thin Leaf Thin, mature, close, lean in oil, inelastic, weak, dull finish, narrow, 70 percent uniform, and 30 percent injury tolerance.
C5M	Low Mixed Color or Variegated Thin Leaf Thin, mature, close, lean in oil, inelastic, weak, dull finish, narrow, 60 percent uniform, and 40 percent injury tolerance.
C3VF	Good Greenish Medium-brown Thin Leaf Thin, mature, firm, oily, inelastic, normal strength, clear finish, normal width, 80 percent uniform, and 20 percent injury tolerance.
C4VF	Fair Greenish Medium-brown Thin Leaf Thin, mature, close, lean in oil, inelastic, weak, dull finish, narrow, 70 percent uniform, and 30 percent injury tolerance.
C5VF	Low Greenish Medium-brown Thin Leaf Thin, mature, close, lean in oil, inelastic, weak, dull finish, narrow, 60 percent uniform, and 40 percent injury tolerance.
C3G	Good Green Thin Leaf Thin, mature, firm, oily, inelastic, normal strength, clear finish, normal width, 80 percent uniform, and 20 percent injury tolerance.
C4G	Fair Green Thin Leaf Thin, immature, close, lean in oil, inelastic, weak, dull finish, narrow, 70 percent uniform, and 30 percent injury tolerance

U.S. grades	Grade names and specifications
C5G	Low Green Thin Leaf Thin, immature, close, lean in oil, inelastic, weak, dull finish, narrow, 60 percent uniform, and 40 percent injury tolerance.

§ 29.2664 Lugs (X Group).

This group consists of leaves that normally grow near the bottom of the stalk. Leaves of the X group usually have a high degree of maturity and show ground injury.

U.S. grades	Grade names and specifications
X1L	Choice Light-brown Lugs Thin, ripe, firm, oily, normal strength, clear finish, moderate color intensity, 95 percent uniform, and 5 percent injury tolerance.
X2L	Fine Light-brown Lugs Thin, ripe, firm, oily, normal strength, clear finish, moderate color intensity, 90 percent uniform, and 10 percent injury tolerance.
X3L	Good Light-brown Lugs Thin, ripe, firm, oily, normal dull finish, pale color intensity, 80 percent uniform, and 20 percent injury tolerance.
X4L	Fair Light-brown Lugs Thin, 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, 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, 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, oily, normal strength, clear finish, moderate color intensity, 90 percent uniform, and 10 percent injury tolerance.
X3F	Good Medium-brown Lugs Medium body, ripe, firm, lean in oil, weak, 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.
X1D	Choice Dark-brown Lugs Heavy, ripe, firm, oily, normal strength, clear finish, moderate color intensity, 95 percent uniform, and 5 percent injury tolerance.
X2D	Fine Dark-brown Lugs Heavy, ripe, firm, oily, normal strength, clear finish, moderate color intensity, 90 percent uniform, and 10 percent injury tolerance.
X3D	Good Dark-brown Lugs. Heavy, ripe, firm, lean in oil, weak, 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 Thin to heavy, mature, open, lean in oil, weak, dull finish, pale color intensity, 60 percent uniform, and 40 percent injury tolerance.
X3M	Good Mixed Color or Variegated Lugs Thin to heavy, ripe, firm, lean in oil, weak, dull finish, 80 percent uniform, and 20 percent injury tolerance.
X4M	Fair Mixed Color or Variegated Lugs Thin to heavy, mature, close, lean in oil, weak, dull finish, 70 percent uniform, and 30 percent injury tolerance.
X5M	Low Mixed Color or Variegated Lugs Thin to heavy, mature, close, lean in oil, weak, dull finish, 60 percent uniform, and 40 percent injury tolerance.
X3VF	Good Greenish Medium-brown Lugs Medium body, mature, firm, lean in oil, weak, dull finish, 80 percent uniform, and 20 percent injury tolerance.
X4VF	Fair Greenish Medium-brown Lugs Thin to medium body, mature, close, lean in oil, weak, dull finish, 70 percent uniform, and 30 percent injury tolerance.
X5VF	Low Greenish Medium-brown Lugs Thin to medium body, mature, close, lean in oil, weak, dull finish, 60 percent uniform, and 40 percent injury tolerance.
X3G	Good Green Lugs Heavy, mature, firm, weak, lean in oil, dull finish, 80 percent uniform, and 20 percent injury tolerance.
X4G	Fair Green Lugs Thin to medium 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.

§ 29.2665 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.
NIG	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.

§ 29.2666 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. grades	Grade names and specifications
	Scrap Tangled, whole, or broken unstemmed leaves, or the web portions of tobacco leaves reduced to scrap by any process.

SUMMARY OF STANDARD GRADES

§ 29.2686 Summary of standard grades.

6 Grades of Wrappers

A1F	A3F	A2D	A3D
A2F	A1D		

19 Grades of Heavy Leaf

B1F	B1D	B3M	B5VF
B2F	B2D	B4M	B3G
B3F	B3D	B5M	B4G
B4F	B4D	B3VF	B5G
B5F	B5D	B4VF	

24 Grades of Thin Leaf

C1L	C2F	C3D	C3VF
C2L	C3F	C4D	C4VF
C3L	C4F	C5D	C5VF
C4L	C5F	C3M	C3G
C5L	C1D	C4M	C4G
C1F	C2D	C5M	C5G

24 Grades of Lugs

X1L	X2F	X3D	X3VF
X2L	X3F	X4D	X4VF
X3L	X4F	X5D	X5VF
X4L	X5F	X3M	X3G
X5L	X1D	X4M	X4G
X1F	X2D	X5M	X5G

4 Grades of Nondescript

N1L	N1D	N1G	N2

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, A3	45, 46, 47
B1, B2	44, 45, 46, 47
B3, B4, B5	43, 44, 45, 46, 47
C1, C2	44, 45, 46, 47
C3, C4, C5	43, 44, 45, 46, 47

KEY TO STANDARD GRADEMARKS

§ 29.2696 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.
VF—Greenish medium brown.
G—Green.

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

[FR Doc.72-10636 Filed 7-11-72; 8:50 am]

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

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

Expenses and Rate of Assessment

On June 24, 1972, notice of rule making was published in the FEDERAL REGISTER (37 F.R. 12502) regarding proposed expenses and the related rates of assessment for the fiscal period beginning March 1, 1972, and ending February 28, 1973, pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in California. 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 Control Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 917.210 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred during the fiscal period March 1, 1972, through February 28, 1973, will amount to $670,684.

(b) *Rate of assessment.* The rates of assessment for such fiscal period payable by each handler in accordance with § 917.37 are fixed at:

(1) One and five-tenths of a cent ($0.015) per standard-western pear box of pears, or its equivalent in other containers or in bulk;

(2) Seven cents ($0.07) per standard four-basket crate of plums, or its equivalent in other containers or in bulk;

(3) Four cents ($0.04) per Los Angeles lug of peaches, or its equivalent in other containers or in bulk.

Terms used in the amended marketing agreement and this part shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and this part.

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 pears, plums, and peaches are currently underway; (2) the relevant provisions of said amended marketing agreement and this part require that the rates of assessment fixed for a particular season be applicable to all fresh pears, plums, and peaches from the beginning of such fiscal period; and (3) the fiscal period began March 1, 1972, and the rates of assessment herein fixed will automatically apply to all pears, plums, and peaches beginning with such date.

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

Dated: July 7, 1972.

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

[FR Doc.72-10669 Filed 7-11-72;8:49 am]

[Apricot Reg. 12, Amdt. 1]

PART 922—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 922, as amended (7 CFR Part 922), regulating the handling of apricots grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Washington Apricot Marketing 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 apricots, 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 postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553). Shipments of apricots grown in production area are currently being regulated as to grade and size by the provisions of Apricot Regulation 12 which, unless amended, will expire on July 31, 1972. The Washington Apricot Marketing Committee, after evaluating current supplies, market conditions, and other factors, has recommended that, for maximum benefit of regulation, the requirements of Apricot Regulation 12 be extended for the remainder of the season from August 1, 1972, through July 31, 1973. Notice of rule making concerning this amendment, with an effective date as herein specified, was published in the FEDERAL REGISTER (37 F.R. 12502) and no objection to either this amendment or such effective date was received. Compliance with this amendment will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

Order, as amended. The provision in paragraph (b) of § 922.312 (Apricot Regulation 12; 37 F.R. 12502 June 24, 1972) is hereby amended to read as follows:

§ 922.312 Apricot Regulation 12.

* * * * *

(b) During the period August 1, 1972, through July 31, 1973, no handler shall handle any container of apricots unless such apricots meet the following applicable requirements, or are handled in accordance with subparagraph (3) of this paragraph:

* * * * *

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

Dated: July 7, 1972.

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

[FR Doc.72-10670 Filed 7-11-72;8:49 am]

PART 945—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

Limitation of Shipments

Notice of rule making with respect to a proposed limitation of shipments regulation, to be made effective under Marketing Agreement No. 98 and Order No. 945, both as amended (7 CFR Part 945) regulating the handling of Irish potatoes grown in designated counties in Idaho and Malheur County, Oreg., was published in the FEDERAL REGISTER June 29, 1972 (37 F.R. 12849). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than 7 days after publication. None was filed.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice which was recommended by the Idaho-Eastern Oregon Potato Committee, established pursuant to said marketing agreement and order, it is hereby found and determined that this limitation of shipments regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

The recommendations of the Idaho-Eastern Oregon Potato Committee reflect its appraisal of the crop and prospective market conditions and are consistent with the marketing policy it unanimously adopted. Shipments of new crop potatoes from the production area are expected to begin July 15, however, storage potatoes from last year's crop will be also shipped during July.

The marketing situation for 1972–73 appears more favorable than resulted during 1971–72. During 1971–72 through June 1972 Idaho potatoes have averaged approximately $1.56 per hundredweight or less than 50 percent of parity. On balance current supplies of raw potatoes and those which will be available throughout the early summer are expected to be less than last year. Late spring potato production is forecast at 17.5 million hundredweight or 12 percent less than in 1971 and early summer potato production is forecast at 10.7 million hundredweight or 9 percent less than in 1971. In addition 1972 prospective plantings for late summer and fall potatoes are forecast at 1,169,400 acres,

3 percent less than the 1,205,300 acres planted in 1971. Idaho and Malheur County, Oreg., planted 347,500 acres in 1971 and prospective planting for 1972 are 339,500 acres.

However, Idaho and Melheur County, Oreg., can expect to encounter marketing problems similar to those in recent seasons and their season average farm prices are not expected to exceed parity. The potential for an improvement in the market tone in the months ahead is clouded by the large inventories of processed potato products which will contribute to strong competition for the potato dollar. As usual, yield factors and timeliness of harvest will have an important influence on potato prices during the third and fourth quarters of 1972.

The regulation provided herein is necessary to prevent potatoes of low quality, undesirable sizes and of lesser maturities from being distributed in the fresh market channels of commerce to improve the returns to producers for preferred grades and sizes. The specific requirements, hereinafter set forth regulate the handling of potatoes by grade, size, cleanliness, and maturity so as to (1) promote orderly marketing, (2) standardize the quality of the potatoes shipped from the production area, and (3) maximize returns to the producers pursuant to the declared policy of the act.

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 (1) in order to permit growers to make test diggings without loss of the potatoes so harvested, or (2) if, after regrading, a lot meets the grade and size requirements but then fails to meet the maturity requirements, possibly due to further "skinning" as a result of running the potatoes over the grader again.

Shipments may be made to certain special purpose outlets without regard to minimum grades, size, cleanliness, and maturity requirements, provided that safeguards are used to prevent such potatoes from reaching unauthorized outlets. Since no purpose would be served by regulating potatoes used for charity purposes such shipments are exempt. Certified seed and seed pieces cut from stock eligible for certification as certified seed are so exempted because requirements for this outlet differ greatly from those for fresh market. Potatoes used for experimentation have special requirements and do not normally enter commercial channels of trade. 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 the standard quality requirements are desired in foreign outlets, smaller sizes are more acceptable. In commercial prepeeling, operators can use potatoes with surface defects which would be undesirable for the tablestock market, and smaller sizes are acceptable. For these reasons potatoes for export and prepeeling are provided with different requirements.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that shipments of 1972–73 crop potatoes grown in the production area will shortly be made and the regulation should become effective at the time herein provided to maximize the benefits to producers. The Idaho-Eastern Oregon Potato Committee held an open meeting on June 15, 1972, to consider recommendations for a limitation of shipments regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the recommendation by the committee has been disseminated among the growers and handlers of potatoes in the production area; and compliance with this section will not require any special preparation of potato sorting and packing equipment on the part of handlers subject thereto which cannot be completed on or before the effective time hereof.

§ 945.331 Limitation of shipments.

During the period July 16, 1972, through July 31, 1973, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a), (b), and (f) of this section, or unless such potatoes are handled in accordance with paragraphs (c), (d), or (e) of this section.

(a) *Minimum quality requirements.*—(1) *Grade.* All varieties: U.S. No. 2 or better grade.

(2) *Size.*—(i) Round red varieties: 1⅞ inches minimum diameter.

(ii) All other varieties: 2 inches minimum diameter, or 4 ounces minimum weight.

(iii) All varieties: Size B if U.S. No. 1 or better grade.

(iv) When 50-pound containers (except master containers) of long varieties of potatoes are marked with a count, size, or similar designation they must meet the count, average count, and weight ranges for the count designation listed below.

	Range		
	Count	Average count [1]	Weight
Larger than 50 count.	10 percent over or under.	5 percent over or under.	15 oz. or larger.
50 count	45–55	48–53	12–19.
60 count	54–66	57–63	10–16.
70 count	63–77	67–74	9–15.
80 count	72–88	76–84	8–13.
90 count	81–99	86–95	7–12.
100 count	90–110	95–105	6–10.
110 count	99–121	105–116	5–9.
120 count	108–132	114–126	4–8.
130 count	117–143	124–137	4–8.
140 count	126–154	133–147	4–8.
Smaller than 140 count.	10 percent over or under.	5 percent over or under.	4–8.

[1] Applicable to lots.

The following tolerances by weight are provided for potatoes in any lot which fail to meet the weight range for the designated count:

(*a*) Not to exceed 5 percent for undersize; and

(*b*) Not to exceed 10 percent for oversize.

(3) *Cleanliness.* All varieties: "Generally fairly clean."

(b) *Minimum maturity requirements*—(1) *White Rose and red skin varieties.* Beginning the effective date hereof through December 31, 1972, "moderately skinned"; thereafter, no maturity requirements.

(2) *All other varieties.* "Slightly skinned."

(3) *Exceptions.* (i) Subject to compliance with subdivision (iii) of this subparagraph, any lot of potatoes not exceeding a total of 50 hundredweight of each variety may be handled for any producer without regard to the foregoing maturity requirements.

(ii) If an officially inspected lot of potatoes meets the foregoing maturity requirements, but fails to meet the grade and size requirements, the lot may be regraded. If, after regrading, such lot then meets the grade and size requirements but fails to meet the maturity requirements, as indicated by the applicable Federal-State inspection certificate, such lot if not exceeding 100 hundredweight shall be exempt from the foregoing maturity requirements: *Provided,* That the handler complies with subdivision (iii) of this subparagraph.

(iii) Prior to each shipment of potatoes exempt from the foregoing 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.

(c) *Special purpose shipments.* (1) The minimum grade, size, cleanliness, and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(i) Charity;

(ii) Certified seed;

(iii) Seed pieces cut from stock eligible for certification as certified seed;

(iv) Experimentation; and

(v) Canning, freezing and "other processing" as hereinafter defined. *Provided,* That shipments of potatoes for the purposes specified in subdivision (v) of this subparagraph shall be exempt from inspection requirements specified in paragraph (f) of this section and from assessment requirements specified in § 945.42.

(2) The minimum grade, size, cleanliness, and maturity requirements set forth in paragraphs (a) and (b) of this section shall be applicable to shipments of potatoes for each of the following purposes:

(i) *Export. Provided,* That potatoes of a size not smaller than 1½ inches in diameter may be shipped if the potatoes grade not less than U.S. No. 2; and

(ii) *Prepeeling. Provided,* That potatoes of a size not smaller than 1½ inches in diameter may be shipped if

the potatoes grade not less than Idaho Utility or Oregon Utility grade.

(d) *Safeguards.* Each handler making shipments of potatoes for charity, seed pieces cut from stock eligible for certification, experimentation, canning, freezing, and "other processing," export, or for prepeeling pursuant to paragraph (c) of this section shall:

(1) First, apply to the committee for and obtain a Certificate of Privilege to make each shipment;

(2) Upon request by the committee, furnish reports of each shipment pursuant to the applicable Certificate of Privilege;

(3) At the time of applying to the committee for a Certificate of Privilege, or promptly thereafter, furnish the committee with a receiver's or buyer's certification that the potatoes so handled are to be used only for the purpose stated in the application and that such receiver will complete and return to the committee such periodic receiver's reports that the committee may require;

(4) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of shipment;

(5) Bill each shipment directly to the applicable processor or receiver.

(e) *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.

(f) *Inspection.* (1) During the period beginning the effective date hereof through July 31, 1973, no handler shall handle potatoes unless such potatoes are inspected by either the Idaho Federal-State Inspection Service or Oregon Federal-State Inspection Service and are covered by a valid inspection certificate except when relieved of such requirement pursuant to paragraph (c), (d), or (e) of this section.

(2) Each lot moving by truck shall be accompanied by a copy of a valid inspection certificate.

(g) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "Size B," "fairly clean," "moderately skinned," and "slightly 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. The term "generally fairly clean" means that at least 90 percent of the potatoes in a given lot are "fairly clean." The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removal of 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). 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." The terms "Idaho Utility grade" and "Oregon Utility grade" shall have the same meaning as when used in the respective standards for potatoes for the respective States. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 as amended, and this part.

(h) *Applicability to imports.* Pursuant to section 608e–1 of the act and § 980.1 "Import regulations" (7 CFR 980.1), Irish potatoes of the long varieties imported during the effective period of this section shall meet the grade, size, quality, and maturity requirements specified in paragraphs (a) (excepting (a) (2) (iv)) and (b) of this section.

Effective date and termination of previous regulation. This regulation will become effective July 16, 1972, and will supersede § 945.330 which is hereby terminated upon such effective date.

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

Dated: July 7, 1972.

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

[FR Doc.72-10671 Filed 7-11-72;8:49 am]

PART 999—SPECIALTY CROPS—IMPORT REGULATIONS

Certain Requirements for Imported Raisins

Notice was published in the June 7, 1972, issue of the FEDERAL REGISTER (37 F.R. 11339) regarding a proposal to amend paragraphs (b) and (e) of § 999.300 (7 CFR 999.300; 37 F.R. 5282) governing the importation of raisins, to permit importation of raisins which do not meet the applicable grade and size requirements set forth in paragraph (b) of § 999.300 for use in the production of alcohol, or syrup for industrial use. In conjunction with such usages, certain reporting requirements were included in the proposal. This action is pursuant to section 8e (7 U.S.C. 608e–1) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act."

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. The period for receipt of such data, views, or arguments was extended to June 26, 1972, in a notice published in the FEDERAL REGISTER on June 16, 1972 (37 F.R. 11977). Written comments were received within the period prescribed therefor.

Section 8e of the act provides, in part, that whenever a marketing order issued by the Secretary of Agriculture pursuant to section 8c of the act (7 U.S.C. 608c) contains any terms or conditions regulating the grade, size, quality, or maturity of raisins produced in the United States, the importation of raisins into the United States during the period of time such order is in effect shall be prohibited unless such commodity complies with the grade, size, quality, and maturity provisions of such order or comparable restrictions promulgated under said section 8e.

Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California (hereinafter referred to as the "order"), is effective under the act. The order prescribes terms and conditions regulating the grade and size of such raisins. Under the order, raisins which do not meet the applicable grade and size requirements may be used in the production of alcohol, and syrup for industrial use. Raisins for importation which do not meet the applicable grade and size requirements of § 999.300 should similarly be permitted to be used in such outlets.

In written comments submitted pursuant to the notice, none of the persons commenting opposed the proposal. A number of those commenting stated that the import regulations should contain adequate procedures to insure that those raisins which do not meet the applicable grade and size requirements and are imported for use in the production of alcohol, or syrup for industrial use do not enter normal channels for consumption as raisins.

The amended regulation will require that all raisins be inspected by USDA inspectors. Importers of raisins which do not meet the applicable grade and size requirements for use in the production of alcohol, or syrup for industrial use will be required to file certain forms with the Bureau of Customs and the Department for administrative and compliance purposes. As a means of improving administration and compliance, Raisin Form Nos. 1 and 2 contained in the notice of proposed rule making are revised to require inclusion of the applicable USDA Certificate of Quality and Condition Number. Furthermore, all raisins to be imported are subject to the requirements of the Plant Quarantine Act of 1912 and the Federal Food, Drug and Cosmetic Act. Hence, adequate surveillance is provided which should insure that any such raisins would not enter the normal channels for raisins imported for use as raisins.

After consideration of all relevant information, including that in the notice, the written comments received pursuant to the notice, and other available information, it is hereby ordered that § 999.300 (b) and (e) are amended as follows:

1. Amend the second sentence of paragraph (b) by changing "No" to "no" and inserting immediately prior thereto "Except as provided in subparagraph (2) of paragraph (e) of this section ".

2. Designate the provisions of current paragraph (e) as subparagraph (1) thereof; and add a new subparagraph (2) to said paragraph reading as follows:

§ 999.300 **Regulations governing importation of raisins.**

* * * * *

(e) * * *

(2) Any person may import any lot of raisins which does not meet the applicable grade and size requirements of paragraph (b) of this section for use in the production of alcohol, or syrup for industrial use. Prior to such importation, such person shall file with the Bureau of Customs' Regional Commissioner or District Director, as applicable, at the port at which the customs entry is filed an executed "Raisins—section 8e Entry Declaration" prescribed in subdivision (i) of this subparagraph as "Raisin Form No. 1". Promptly after such filing, such person shall transmit a copy of this form to the Fruit and Vegetable Division. No person may import, sell, or use any raisins which do not meet the applicable grade and size requirements of paragraph (b) of this section other than for use as set forth in this subparagraph. Each person importing raisins which do not meet the applicable grade and size requirements of paragraph (b) of this section for use in the production of alcohol, or syrup for industrial use shall obtain from each purchaser, not later than the time of delivery to such purchaser, and file with the Fruit and Vegetable Division not later than the 5th day of the month following the month in which the raisins were delivered, and executed "Raisins—section 8e Certification of Processor or Reseller," prescribed in subdivision (ii) of this subparagraph as "Raisin Form No. 2". One copy of this executed form shall be retained by the importer and one copy shall be retained by the purchaser. Each reseller of raisins imported pursuant to this subparagraph should, for his protection, obtain from each purchaser and hold in his files an executed Raisin Form No. 2, covering such sales of such raisins during the calendar year. One copy of this executed form shall be retained by the reseller and one copy shall be retained by the purchaser.

(i) *Raisin Form No. 1.* The following is prescribed as Raisin Form No. 1.

RAISIN FORM NO. 1

RAISINS—SECTION 8e ENTRY DECLARATION

I certify to the U.S. Department of Agriculture and the Bureau of Customs that none of the raisins being imported and which are identified below will be used other than in the production of alcohol, or syrup for industrial use.

1. Name of vessel: _____
2. Country of origin of raisins: _____
3. Date of arrival: _____
4. City of arrival: _____
5. Unloading pier: _____
6. USDA Certificate of Quality and Condition Number: _____
7. Raisins entered: _____

Lot or chop mark	Number of containers	Total net weight (lbs.)

I agree to obtain from each person to whom any of the raisins listed above are delivered, an executed Raisin Form No. 2 "Raisins Section 8e Certification of Processor or Reseller" and to file the same with the Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the fifth day of the month following the month in which the raisins were delivered.

Dated: _____
Name of firm: _____
Address: _____
Signature: _____
Title: _____

(ii) *Raisin Form No. 2.* The following is prescribed in Raisin Form No. 2.

RAISIN FORM NO. 2

RAISINS—SECTION 8e CERTIFICATION OF PROCESSOR OR RESELLER

I hereby certify to the U.S. Department of Agriculture that I have acquired the raisins covered by this certification; that I will use or sell them for use only in production of alcohol, or syrup for industrial use, as permitted by the Regulation Governing the Importation of Raisins (7 CFR 999.300; 32 F.R. 5282) and I am: (check one or more if applicable)

☐ Producer of alcohol ☐ Producer of syrup for industrial use ☐ Reseller

1. Date of purchase: _____
2. Place of purchase: _____
3. Name and address of importer or seller: _____
4. USDA Certificate of Quality and Condition Number: _____
5. Raisins acquired:

Number of containers	*Total net weight (lbs.)*

Dated: _____
Name of firm: _____
Address: _____
Signature: _____
Title: _____

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) This action permits importation of raisins which do not meet the applicable grade and size requirements of this part for use in the production of alcohol, and syrup for industrial use; (2) heretofore, the importation of such raisins for use in such outlets was prohibited, and thus this action relieves restriction on importation of raisins; (3) importers of such raisins require no advance preparation to comply with this action; and (4) no useful purpose would be served by postponing the effective time of this amendatory action.

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

Dated July 6, 1972, to become effective upon publication in the FEDERAL REGISTER (7–12–72).

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72–10637 Filed 7–11–72;8:47 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Rev. 3, Amdt. 8]

PART 1475—EMERGENCY FEED PROGRAM

Subpart—Livestock Feed Program

PRICING OF GRAIN

The regulations issued by the Commodity Credit Corporation published at 29 F.R. 13475, 30 F.R. 2854, 6909, 31 F.R. 13532, 32 F.R. 14372, 34 F.R. 14206, 36 F.R. 9497, and 37 F.R. 7149, which contain specific requirements for the Livestock Feed Program are further amended to reflect a change in the pricing of barley as a feed grain for secondary livestock in § 1475.208(b). Because of the need for making this change effective on July 1, 1972, the beginning of the marketing year for barley, it is determined impracticable to comply with the notice of proposed rule making procedure. Accordingly, paragraph (b) of § 1475.208 is amended to read as follows:

§ 1475.208 **Pricing of grain.**

* * * * *

(b) *Price for secondary livestock.* The sales price of feed grain approved for secondary livestock shall be: (1) For oats the applicable county loan rate. (2) For barley, corn, and grain sorghum the applicable county loan rate plus: 5 cents per bushel for barley, 6 cents per bushel for corn, and 11 cents per hundredweight for grain sorghum.

* * * * *

(Secs. 1–4, 73 Stat. 574, as amended; secs. 407 and 421, 63 Stat. 1055, as amended; secs. 4 and 5, 62 Stat. 1070, as amended; 7 U.S.C. 1427, 1427 note and 1433; 15 U.S.C. 714 b and c)

Effective date: July 1, 1972.

Signed at Washington, D.C., on July 6, 1972.

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

[FR Doc.72–10672 Filed 7–11–72;8:51 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 925]

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

Expenses and Rate of Assessment for Fiscal 1972–73 and Carryover of Unexpended Funds

Consideration is being given to the following proposals submitted by the Idaho-Malheur County, Oreg., Fresh Prune Marketing Committee, established under the marketing agreement and Order No. 925 (7 CFR Part 925), regulating the handling of fresh prunes grown in designated counties in Idaho and Malheur County, Oreg., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

§ 925.212 Expenses, rate of assessment, and carryover of unexpended funds.

(a) Expenses that are reasonable and likely to be incurred by the Idaho-Malheur County, Oreg., Fresh Prune Marketing Committee, during the period June 1, 1972, through May 31, 1973, will amount to $4,870.

(b) That there be fixed, at $0.01 per one-half bushel 30-pound containers or equivalent quantity of fresh prunes when in other containers or in bulk, the rate of assessment payable by each handler in accordance with § 925.41 of the aforesaid marketing agreement and order.

(b) That unexpected assessment funds, in excess of expenses incurred during the fiscal period ended May 31, 1972, be carried over as a reserve in accordance with the applicable provisions of §§ 925.42 and 925.203 of said marketing agreement and order.

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

Dated: July 7, 1972.

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

[FR Doc.72–10667 Filed 7–11–72;8:49 am]

[7 CFR Part 967]

CELERY GROWN IN FLORIDA

Proposed Limitation of Shipments

Notice is hereby given that the Secretary of Agriculture is considering the approval of a limitation of shipments regulation, hereinafter set forth, which was recommended by the Florida Celery Committee, established pursuant to Marketing Agreement No. 149 and Order No. 967, both as amended (7 CFR Part 967), regulating the handling of celery grown in Florida. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with this proposal should file the same, in four copies, with the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 30th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The recommendations of the committee reflect its appraisal of the expected supply and prospective market conditions for the 1972–73 season. The annual allotment requirement provided for herein will tend to effectuate the declared policy of the act.

For the 1971–72 season nearing an end, Florida's fresh market celery sales are expected to be about 7.1 million crates, which is approximately 724,000 crates less than the total allotment. The 1971–72 crop sold at prices above a year earlier and the average of the 3 preceding years. Further, abandonment of acreage in 1971–72 was materially smaller than normal. The relatively strong market for Florida celery last year was due in part to considerable weather damage to celery grown in competing areas in California. A repeat of such unusual circumstances is not likely in the coming season. Nevertheless, the Committee recommended that the Marketable Quantity for 1972–73 be set above that of last season in order to provide an opportunity for increased sales to be expected based partly on population increase. In addition the Committee tentatively plans an extensive promotion program to increase the demand for the potentially larger production of Florida celery.

Although the recommended Marketable Quantity is above a year earlier, it still is 850,000 crates smaller than the total Base Quantities of present producers. Therefore, in accordance with § 967.37(d)(1), no reserve is established for additional Base Quantities.

On the basis of the foregoing considerations, as well as industrywide trends in the production and sales of celery, it is believed that these regulations are necessary to maintain orderly marketing and increase returns to growers, and will tend to effectuate the declared policy of the act.

The proposal is as follows:

§ 967.308 Marketable quantity for 1972–73 season; Uniform Percentage; and limitation on handling.

(a) The Marketable Quantity for the 1972–73 season is established, pursuant to § 967.36(a), as 8,371,803 crates.

(b) As provided in § 967.38(a), the Uniform Percentage for the 1972–73 season is determined as 90 percent.

(c) During the season August 1, 1972, through July 31, 1973, no handler may handle, as provided in § 967.36(b)(1), any harvested celery unless it is within the Marketable Allotment for the producer of such celery.

(d) No reserve for Base Quantities for the 1972–73 season is established.

(e) Terms used herein shall have the same meaning as when used in the said marketing agreement and order.

Dated: July 6, 1972.

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

[FR Doc.72–10668 Filed 7–11–72;8:49 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 6, 8, 121, 130, 135, 146]

ENVIRONMENTAL IMPACT STATEMENTS

Proposed Preparation Procedures

The National Environmental Policy Act of 1969 (Public Law 91–190; 83 Stat. 852 et seq.; 42 U.S.C. 4321–4347) directs Federal agencies to consider environmental factors in their decisionmaking processes by including environmental impact statements in reports on legislative proposals and major agency actions having significant environmental impact.

Section 102(2)(C) of the act, 42 U.S.C. 4332, states in pertinent part:

> The Congress authorizes and directs that, to the fullest extent possible * * * (2) all agencies of the Federal Government shall—
>
> (C) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—
>
> (i) The environmental impact of the proposed action,

(ii) The adverse environmental effects which cannot be avoided should the proposal be implemented,

(iii) Alternatives to the proposed action,

(iv) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(v) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of title 5, United States Code, and shall accompany the proposal through the existing agency review processes * * *.

The Commissioner of Food and Drugs, in order to exercise his responsibilities under section 102(2)(C) of the act, proposes to establish procedures for preparation of environmental impact statements and to include consideration of the environmental aspects of proposed actions in all agency decisionmaking.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 409, 505, 512, 701, 706, 52 Stat. 1052 as amended, 1055–56 as amended by 70 Stat. 919 and 72 Stat. 948, 72 Stat. 1785–88 as amended, 74 Stat. 399–404 as amended, 82 Stat. 343–51; 21 U.S.C. 348, 355, 360b, 371, 376), the Federal Hazardous Substances Act (sec. 10, 74 Stat. 378; 15 U.S.C. 1269), and the National Environmental Policy Act of 1969 (sec. 102(2)(C), 83 Stat. 853; 42 U.S.C. 4332), and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Title 21, Chapter I, be amended:

1. By adding a new Part 6 as follows:

PART 6—ENVIRONMENTAL IMPACT CONSIDERATIONS

Sec.

AUTHORITY: The provisions of this Part 6 issued under sec. 701, 52 Stat. 1055–56 as amended by 70 Stat. 919 and 72 Stat. 948, 21 U.S.C. 371; sec. 10, 74 Stat. 378, 15 U.S.C. 1269; sec. 102(2)(C), 83 Stat. 853, 42 U.S.C. 4332; the Guidelines issued by the Council on Environmental Quality (36 F.R. 7724); Executive Order 11514 of March 4, 1970 (35 F.R. 4247).

§ 6.1 Applicability.

(a)(1) An environmental impact statement shall be prepared, circulated, and filed pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 for every major agency action that significantly affects the quality of the human environment.

(2) Agency decisions shall include a careful consideration of all environmental effects of proposed actions.

(b) The need for preparing an environmental impact statement shall be considered for the following agency actions:

(1) Recommendations or reports made to Congress on proposals for legislation in instances where the agency has primary responsibility for the subject matter involved;

(2) Destruction of articles condemned after seizure or enjoined;

(3) Destruction of articles following detention or recall at agency request;

(4) Destruction of articles banned by regulation;

(5) Disposition of Food and Drug Administration laboratory waste materials;

(6) Establishment by regulation of labeling or other requirements for marketing articles;

(7) Establishment by regulation of standards for articles (except food standards);

(8) Approval of new drug and abbreviated new drug applications and old drug monographs;

(9) Approval of new animal drug and abbreviated new animal drug applications and old animal drug monographs;

(10) Approval of antibiotic drug monographs;

(11) Approval of food additive petitions;

(12) Approval of color additive petitions; and

(13) Policy, regulations, and procedure-making which significantly affect the quality of the human environment.

(c) An environmental impact statement will not be required for amendments to existing regulations and approvals of supplements to existing approvals unless the change is substantial.

(d) Environmental impact statements are not required for the following agency actions:

(1) Recommendations for court action concerning foods, drugs, devices, cosmetics, electronic products, and hazardous substances;

(2) Factory inspections;

(3) Seafood inspections;

(4) Issuance or amendment of food standards; and

(5) Investigational new drug applications and investigational new animal drug applications.

(e) Whenever a person submits any application or petition requesting action by the agency (except action specified in paragraph (d) of this section), he shall include an environmental impact analysis report on the requested action. The report shall analyze whether or not the requested action is major and whether or not it will significantly affect the quality of the human environment. Failure to include an adequate environmental impact analysis report in an application or petition shall be sufficient grounds to refuse to accept or file the application or petition.

(f) Whenever a manufacturer, distributor, or dealer proposes to destroy a food, drug, cosmetic, device, electronic product, or hazardous substance which has been condemned, enjoined, detained, or banned by regulation, he shall submit to the agency an environmental impact analysis report analyzing the environmental impact of the disposition of such articles.

(g) An environmental impact analysis report shall be submitted to the agency in the following format:

ENVIRONMENTAL IMPACT ANALYSIS REPORT

Date: _____
Name of applicant: _____
Address: _____

1. Describe the proposed action: _____

2. Discuss the probable impact of the action on the environment (including primary and secondary consequences): _____

3. Discuss the probable adverse environmental effects which cannot be avoided: _____

4. Give alternatives to the proposed action: _____

5. Describe the relationship between local short-term uses of environmental and maintenance and enhancement of long-term productivity: _____

6. Describe any irreversible and irretrievable commitment of resources: _____

7. Discuss the objections raised by other agencies, organizations, or individuals: _____

8. If proposed action should be taken prior to 90 days from the circulation of a draft environmental impact statement or 30 days from the filing of a final environmental impact statement, explain why: _____

9. Analyze whether the proposed action is or is not major and whether it will or will not significantly affect the quality of the human environment: _____

10. If the proposed action is major and will significantly affect the quality of the human environment, analyze whether the benefit to the public will outweigh the risks to the environment: _____

(Signature of responsible official)

_____ _____
(Date)

(h) Upon receipt of an environmental impact analysis report, the responsible agency official shall make an independent assessment as to whether an environmental impact statement shall be prepared for the proposed action.

§ 6.2 Content and format of environmental impact statements.

(a) Draft and final environmental impact statements shall cover the following points:

(1) There shall be a description of the proposed action including adequate information and technical data to permit a careful assessment of the environmental impact. Where relevant, maps should be provided.

(2) The probable impact that the proposed action will have on the environment shall be analyzed and shall include the impact on ecological systems such as wildlife, fish, and other marine life. Both primary and secondary significant consequences for the environment should be included in the analysis.

(3) There shall be a description of any probable adverse environmental effects which cannot be avoided (such as water or air pollution, undesirable land use patterns, damage to life systems, threats to health, or other consequences adverse to the environmental goals set forth in section 101(b) of the act).

(4) Alternatives to the proposed action must be described, in accordance with section 102(2)(D) of the act, which requires the responsible agency to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." A rigorous exploration and objective assessment of alternative actions that might avoid some or all of the adverse environmental effects is essential. Sufficient analysis of alternatives and their costs and impact on the environment should accompany the proposed action through the agency review process in order to avoid eliminating prematurely options which might have fewer adverse environmental effects.

(5) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity must be discussed. Thus, realizing that each generation is trustee of the environment for succeeding generations, the agency must assess the action for cumulative and long-term effects.

(6) There must be a statement concerning any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. This requires the agency to identify the extent to which the action curtails the range of beneficial uses of the environment.

(7) Where appropriate, there must be a discussion of the problems and objections raised by other Federal, State, and local agencies and by private organizations and individuals, and a disposition of the issues raised by these problems and objections. This section may be added at the end of the review process in the final text of the environmental statement.

(b) Draft and final environmental impact statements shall be prepared in the following format:

("DRAFT" OR "FINAL") ENVIRONMENTAL IMPACT STATEMENT

FOOD AND DRUG ADMINISTRATION (RESPONSIBLE OPERATING DIVISION)

1. Indicate administrative action or legislative action.

2. Describe the action, indicating any States or counties particularly affected.

3. Analyze the environmental impact of the proposed action.

4. Describe any unavoidable adverse environmental effects of the action.

5. Describe and assess alternative courses of action considered.

6. Describe any irreversible and irretrievable commitments of resources involved in implementing the action.

7. Where appropriate, evaluate any objections to the action raised by interested persons.

8. (a) For draft statements, state the date and form of FEDERAL REGISTER publication by which comments have been requested from all interested persons and attach a copy of the notice.

(b) For final statements, list all persons from which written comments have been received and attach a copy of each.

9. Give the date that the draft statement was made available to the Council on Environmental Quality and to the public.

§ 6.3 Preparation and review procedures.

(a) When it is determined that an environmental impact statement is required, the statement shall be prepared as follows:

(1) *Preparation of draft environmental impact statement.* A draft environmental impact statement shall be prepared by the responsible agency official as designated in § 6.4. When appropriate during the preparation of a draft environmental impact statement, the responsible agency official shall consult with Federal, State, and local officials and other interested persons.

(2) *Distribution of draft environmental impact statements.* After the responsible agency official has prepared a draft environmental impact statement, he simultaneously shall forward 10 copies of the draft statement each to the Office of the Secretary and to the Council on Environmental Quality. At the same time the draft statement is forwarded to the Council, it will be made available to the public by the office of the Assistant Commissioner for Public Affairs and the Hearing Clerk.

(3) *Solicitation of comments.* (i) After the preparation and distribution of a draft environmental impact statement, comments will be solicited from all interested persons. Sixty days are allowed for reply, after which it is presumed that no comments will be made unless a specified extension of time is requested.

(ii) Where the subject of a draft environmental impact statement is also the subject of a notice of proposed rule making or a notice of filing published in the FEDERAL REGISTER, the FEDERAL REGISTER notice shall state that the environmental impact evaluation report and the draft environmental impact statement are available upon request and shall solicit comments by all interested persons.

(iii) Where the subject of a draft environmental impact statement is not also the subject of a notice published in the FEDERAL REGISTER, a notice will be published in the FEDERAL REGISTER describing the proposed action, stating that the environmental impact analysis report and the draft environmental impact statement are available upon request, and soliciting comments by all interested persons. This notice may be published by the agency or the department, or the agency or the department may request that the Council on Environmental Quality publish it.

(iv) All comments on draft environmental impact statements shall be submitted in quintuplicate to the Hearing Clerk, Food and Drug Administration, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Maryland 20852, where they shall be available for public inspection during working hours, Monday through Friday.

(v) When the responsible agency official concludes that no environmental impact statement is necessary and the proposed action is the subject of a notice of proposed rule making or a notice of filing published in the FEDERAL REGISTER, the FEDERAL REGISTER notice shall state that no environmental impact statement is necessary and, where applicable, that the environmental impact analysis report is available upon request.

(4) *Time for consideration prior to decision.* Draft environmental impact statements shall be prepared, forwarded to the Council on Environmental Quality, and made available to the public early enough in the consideration of the proposed action to permit meaningful review of the environmental issues involved. To the maximum extent practicable, no final action shall be taken on the proposal earlier than 90 days after a draft environmental impact statement has been prepared, forwarded to the Council, and made available to the public.

(5) *Final environmental impact statements.* The final text of an environmental impact statement shall be prepared by the responsible agency official after comments on the draft statement have been reviewed and shall include an evaluation of all comments. The final statement shall receive full consideration in the agency's decisionmaking process. The responsible agency official simultaneously shall forward 10 copies of the final statement each to the Office of the Secretary and to the Council on Environmental Quality, and copies of the final statement shall be made available to the public by the office of the Assistant Commissioner for Public Affairs and the Hearing Clerk. To the maximum extent practicable, no agency action shall take place earlier than 30 days after the final statement has been forwarded to the Council on Environmental Quality and made available to the public.

(6) *Public hearings.* The Commissioner may order a public hearing to be held on a draft or final environmental impact statement on his own initiative or at the request of an interested person for good cause shown. Notice of a public hearing shall be published in the FEDERAL REGISTER at least 30 days prior to the hearing. At the hearing, all interested persons will be provided an opportunity to present their views on the environmental impact of the proposed action. All data and views presented at a public hearing shall be considered by the agency in its decision on the proposed action.

(b) When the proposed action involves destruction of condemned, recalled, or banned articles, or of laboratory waste materials, the following general guidelines shall be observed and shall be reflected in the statement:

(1) Principal methods of destruction, i.e., burial, incineration, and flushing into sewage systems, can contribute to pollution of soil, air, or water.

(2) Articles contaminated with filth can be destroyed by burial, since these

articles present minimal potential for pollution.

(3) Articles which contain toxic chemicals, pesticides, drug residues, or viable micro-organisms should be disposed of with caution. The article should be decharacterized to prevent salvage or consumption and either covered in a land fill or incincerated in properly designed equipment.

(4) Destruction by flushing into sewage systems or dumping into waters should not be permitted except in a facility operating in accordance with Federal, State, and local water pollution control regulations.

(5) Destruction by incineration should not be permitted except in a facility operating in accordance with Federal, State, and local air pollution control regulations.

(6) Local, State, or Federal public health officials, fire departments, and pollution control officials should be consulted if questions arise regarding suitability of proposed destruction.

(c) There are certain actions which, because of their importance to the public health, make adherence to the requirements of paragraph (a) (1) through (5) of this section impracticable. Compliance with the requirements for preparation, comment, distribution, and consideration of environmental impact statements is impossible in instances which require immediate action to safeguard the public health. The responsible agency official shall give written notice to the Council on Environmental Quality of those actions having potentially significant environmental impact as to which no environmental impact statement is filed because public health considerations require immediate action.

§ 6.4 Responsible agency officials.

(a) When environmental impact statements are required, the following agency officials are responsible for preparing the statements as indicated:

(1) The office of the Commissioner is responsible for preparing, circulating, and filing a draft or final environmental impact statement on actions not delegated by the Commissioner.

(2) The director of each bureau is responsible for preparing, circulating, and filing a draft or final environmental impact statement on actions delegated to that bureau by the Commissioner under § 2.121 of this chapter.

(3) The Executive Director for Regional Operations is responsible for preparing, circulating, and filing a draft or final environmental impact statement on the destruction of articles condemned after seizure, enjoined, under import detention, or under detention or recalled at agency request.

(b) Every action memorandum proposing agency action shall contain an evaluation of the environmental impact of the proposed action and shall be accompanied by a draft or final environmental impact statement if one is required.

§ 6.5 Submission of comments to other agencies.

When the Food and Drug Administration is requested by the Office of the Secretary to comment on environmental impact statements prepared by other agencies, the Commissioner shall prepare such comments as he deems appropriate, shall submit them to the requesting agency, and simultaneously shall forward 10 copies each to the Office of the Secretary and to the Council on Environmental Quality.

§ 6.6 Public availability of environmental impact statements.

(a) All draft and final environmental impact statements and all environmental impact analysis reports shall be available to the public through the office of the Assistant Commissioner for Public Affairs and the Hearing Clerk.

(b) Draft and final environmental impact statements will be available immediately after preparation. An environmental impact analysis report will be available at the time a draft environmental impact statement is circulated or, if no environmental impact statement is necessary, at the time of publication of the FEDERAL REGISTER notice announcing the availability of the report.

PART 8—COLOR ADDITIVES

2. In Part 8, by adding a new item J to the form in § 8.4(c), as follows:

§ 8.4 Petitions proposing regulations for color additives.

* * * * *

(c) * * *

J. The petitioner is required to submit an environmental impact analysis report analyzing the manufacturing process and the ultimate use or consumption of the color additive pursuant to § 6.1 of this chapter.

* * * * *

PART 121—FOOD ADDITIVES

3. In Part 121, by adding a new item H to the form in § 121.51(c), as follows:

§ 121.51 Petitions proposing regulations for food additives.

* * * * *

(c) * * *

H. The petitioner is required to submit an environmental impact analysis report analyzing the environmental impact of the manufacturing process and the ultimate use or consumption of the food additive pursuant to § 6.1 of this chapter.

* * * * *

PART 130—NEW DRUGS

4. In Part 130:

a. By adding a new item 15 to the form in § 130.4(c)(2), as follows:

§ 130.4 Applications.

* * * * *

(c) * * *

(2) * * *

15. The applicant is required to submit an environmental impact analysis report analyzing the environmental impact of the manufacturing process and the ultimate use or consumption of the drug pursuant to § 6.1 of this chapter.

* * * * *

b. By adding a new subparagraph (7) to § 130.12 as follows:

§ 130.12 Refusal to approve the application.

(a) * * *

(7) The applicant fails to submit an environmental impact analysis report analyzing the environmental impact of the manufacturing process and the ultimate use or consumption of the drug pursuant to § 6.1 of this chapter.

* * * * *

PART 135—NEW ANIMAL DRUGS

5. In Part 135:

a. In § 135.4a(b), by redesignating subparagraph (13) *Assembling and binding the application* as subparagraph (15) and adding a new subparagraph (14) as follows (a new subparagraph (13) has recently been proposed):

§ 135.4a New animal drug applications.

* * * * *

(b) * * *

(14) *Environmental impact evaluation report.* The applicant is required to submit an environmental impact analysis report analyzing the environmental impact of the manufacturing process and the ultimate use or consumption of the new animal drug pursuant to § 6.1 of this chapter.

* * * * *

b. By adding a new subparagraph (9) to § 135.12(a), as follows:

§ 135.12 Refusal to approve an application.

(a) * * *

(9) The applicant fails to submit an environmental impact analysis report analyzing the environmental impact of the manufacturing process and the ultimate use or consumption of the new animal drug pursuant to § 6.1 of this chapter.

* * * * *

PART 146—ANTIBIOTIC DRUGS; PROCEDURAL AND INTERPRETATIVE REGULATIONS

6. In Part 146, by adding a new paragraph (i) to § 146.10, as follows:

§ 146.10 New antibiotic and antibiotic-containing products.

* * * * *

(i) An environmental impact analysis report analyzing the environmental impact of the manufacturing process and the ultimate use or consumption of the

antibiotic drug pursuant to § 6.1 of this chapter.

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.72-10701 Filed 7-11-72;8:52 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 89, 91, 93]

[Docket No. 18302; FCC 72-556]

AUTOMOTIVE VEHICLE LOCATOR SYSTEMS IN LAND MOBILE RADIO SERVICES

Further Notice of Inquiry and Notice of Proposed Rule Making

In the matter of inquiry as to automotive vehicle locator systems in the Land Mobile Radio Services involving Parts 2, 89, 91, and 93 of the Commission's rules, Docket No. 18302, RM-1734.

1. On August 21, 1968, the Commission adopted a notice of inquiry in the above-entitled matter to determine the state of development of automatic vehicle monitoring systems (AVM) and to explore the frequency and operational requirements of these systems. It was intended that the use of these systems be evaluated in terms of their feasibility for readily locating moving vehicles, such as police cars, buses, trucks, and taxicabs, in order, among other requirements, that they may be more efficiently scheduled, dispatched, and tracked. However, before several of the issues concerning these operations could be resolved, the Commission felt that systems designs then under study would require a period of actual operation in a land mobile environment. Our notice included provision, therefore, for such operations to be authorized on temporary experimental basis and a number of systems were so licensed. Comments as to the results of these operations were included in the responses to the notice.

2. The following parties submitted comments: Beukers Laboratories; California Public Safety Radio Association; California State Communications Advisory Board; Capital Scientific Corp.; Dallas, Tex.; Electronics Industries Association (EIA); Hazeltine Corp.; Los Angeles, Calif.; Massachusetts Bay Transportation Co.; Motorola Co.; National Association of Manufacturers (NAM); Institute of Public Administration (IPA); Raytheon; Special Industrial Radio Services Association (SIRSA); Department of Transportation (DOT); Urban Scientific Corp.

3. Our notice covered three primary areas with respect to AVM systems. Primarily, we sought to explore the status and types of AVM operations. We considered also spectrum and operational requirements for both vehicle location and supplemental data transmissions. Finally, we wanted views on where and in what manner in the Commission's radio service complex these systems should be licensed. A number of specific inquiries as to one or more of these general issues included the feasibility of transmitting location data simultaneously with two-way voice, the need for standardizing AVM systems, the number and type of operating entities which should be authorized for these systems, and the bandwidth requirements necessary.

4. Information received in response to our notice shows that AVM systems are being developed in accordance with one or more of the following basic approaches:

(a) Proximity sensing—vehicles are located by their proximity to fixed posts. A vehicle emits a steady signal which is received at the fixed post when the vehicle passes, and transmitted over wireline to the central computer, or the signal can be emitted by the fixed post, be received by the vehicle, and be communicated to the central computer by radio data link from the vehicle.

(b) Trilateration—vehicle positions are determined by the difference in time of arrival or phase difference of signals received at fixed sensors or at the vehicle. Signals can be emitted by the vehicle at a prescribed time or in response to interrogation and transmitted to the fixed sensors where the time of arrival or phase difference of received signals is measured and transmitted back to the central computer for computation of the vehicle's estimated location by either narrow band or wideband data links. Alternatively, the times of arrival of signals from fixed transmitters at various locations are measured at the vehicle, and transmitted via narrow band data link to the control center either before or after processing.

(c) Dead reckoning—a vehicle's speed, direction, and distance traveled are registered by on-board equipment, and its position is computed in the vehicle and/or at a central computer. Narrow band data links are required from vehicle to central computer.

Variations between these systems extend to the choice of frequency bands. Sensing and dead reckoning systems require narrow band data links on land mobile bands 150-162 or 450-470 MHz since the telemetering requirement is the same as the two-way radiotelephony requirement and bands most satisfactory for two-way are also most desirable for telemetering. Trilateration systems have been developed in land mobile bands and in frequency bands above 900 MHz. Where signpost emitters are employed the signpost can transmit in any frequency band, and it appears desirable to restrict such short distance requirements to radiolocation bands above 2000 MHz. From these variations it appears that with the exception of pulse ranging trilateration systems there is a demand for land mobile channels, and an inherent problem is where or how these narrowband channels could be made available.

5. Although, as indicated, a significant body of data was received, it was apparent that the state of development of vehicle location systems had not progressed sufficiently at the time comments were solicited to permit conclusive findings and recommendations as to our inquiries. On the other hand, it was equally clear that these systems had the potential to accommodate radio communication requirements that could not be met efficaciously within present land mobile operations. Recently, for example, a number of pilot programs, directly supported through Federal Government projects sponsored by the Department of Transportation and the Department of Housing and Urban Development, have been undertaken and are demonstrating the potential effectiveness and demand for AVM operations. Most of the systems can also include provision for nonvoice data messages, other than that relating to location, such as interrogation regarding status, emergencies, and other required information. The Commission believes, therefore, that it would be productive to reinstitute an inquiry as to AVM systems at this time. In view of the current advances and interest in car-locator operations, such an inquiry should produce valuable information that will enable us to determine whether these systems should be authorized on a regular basis and to what extent. In conjunction with the further notice of inquiry, we think it is also appropriate to give consideration at this time to a petition for a specific proposal for operation of AVM systems which has been submitted by the Hazeltine Corp.

6. The Hazeltine petition, RM-1734, requests the Commission to allocate the Government band 902-928 MHz for shared use by land mobile licensees for what it terms Automatic Land Mobile Status Reporting in order "to permit the utilization of modern electronic radio and computer equipment and techniques for ascertaining continuously at the control center the location and status of all types of mobile units operating on land." Under its methods, Hazeltine contemplates that location of "tens of thousands of vehicles in a large population center" would be determined by a computer at the central control based on the difference in time of arrival of signals at the fixed receivers (pulse ranging trilateration). For this technique, Hazeltine requires wideband capability and has selected the band 902-928 MHz, allocated for ISM and government, on the basis that "there is sufficient bandwidth in the proposed allocation to permit two pulse systems in the same area, each using 10 MHz of bandwidth, with 6 MHz of separation (the ISM midband) between

them." Hazeltine contends that this portion of the spectrum "lends itself to a natural cousage" by AVM operations with the Industrial, Scientific, and Medical (ISM) uses conducted at 915 MHz since the interference from the ISM uses "can be tolerated by pulse automatic vehicle monitoring systems." Additionally, it feels that this particular allocation is "nearly optimum from the point of view of propagation considerations."

7. Results of limited testing by Hazeltine, while by no means conclusive, generally support its showing that, for wideband AVM operations and to serve the relatively large number of vehicles indicated, the 902–928 MHz band is suitable for the comparatively high level of location and data communication capability it hopes to provide. Not yet demonstrated, however, is whether the goals of Hazeltine's system are practical or necessary as opposed to capability of AVM systems in other frequency bands or of other design. McDonnell Douglas Astronautics Co., another organization that is considering an AVM system in this frequency range, suggests, for example, a system for a reduced capability which could operate in 902–928 MHz.[1] Nevertheless, we believe that consideration should be given and comments should be solicited at this time to the proposal for operation of these systems in the 902–928 MHz band. We have considered in this regard information which indicates that although future land mobile radio systems at 900 MHz will probably employ radiolocation techniques as an integral part of the "cellular-type" voice communication systems being developed for these bands, there may be need for provision to accommodate also the radiolocation requirements of other land mobile users who will continue to operate in lower frequency bands with their present voice equipment. The Commission has coordinated the Hazeltine proposal with the Office of Telecommunications Policy and there are no objections to the operation of AVM systems in the 902–928 MHz Government band subject to noninterference to government operation and provided that the vehicle monitoring system can tolerate any interference that may be caused by government operations. Accordingly, comments are requested as to amendment of our rules to allocate this frequency band to the Industial Radiolocation Radio Service under Part 91 for the operation of AVM systems. Under this proposal, eligibility in this service would be expanded to include non-Federal governmental entities, AVM operations would have to tolerate interference from ISM devices, as well as from Federal Government stations, and permissible communications would include, as suggested by Hazeltine, supplemental "digital messages returned to the fixed station from the mobile units" regarding status, emergencies, and other needed information. The operations in this band would be subject to noninterference to Federal Government operations in the band.

8. Although we are giving consideration to rule changes which provide for AVM systems operations in the 902–928 MHz band, there remain a number of unresolved questions, including those already suggested, both as to these proposed operations and as to systems being developed in other frequency bands and utilizing different techniques. In this latter category, for example, is the Chicago Transit Authority system which has equipped 500 of 3300 buses for sensor operations via signposts utilizing 450 MHz channels for vehicle-to-control center data links and one 150 MHz splinter frequency for signpost-to-vehicle. Tests to date involve monitoring bus schedules along fixed routes to check adherence to preprogramed schedules. An emergency alarm signal supplements the automatic vehicle location data. Other systems are being tested in 150–470 MHz covering the same and other methods for location, and results of these tests are expected in the near future. All of these operations, as well as the proposals for 902–928 MHz band systems, require our careful examination before final action can be taken as to required rule provisions for AVM systems. To this end, the Commission requests, in addition to comments as to the specific proposals herein, that interested parties furnish their views concerning the following matters:

(A) What are the current test data and results relating to the performance of various vehicle location systems under actual or simulated conditions of operation in a land mobile environment?

(B) What are the specifications of each of the different types of AVM systems under development with respect to the following:

1. The portion of the spectrum involved and the demand upon spectrum (bandwidth requirements).

2. Level of capability which can be achieved as related to the spectrum requirement (e.g. location up-date rate, number of vehicles served, accuracy).

3. Equipment requirements at control centers, at base locations for sensors, and in vehicles.

4. Additional user benefits (e.g. supplemental data transmission).

(C) What are the comparative advantages or disadvantages of the various AVM systems, as between wideband and narrowband operation, with respect to potential for increase/decrease of existing land mobile channel usage, and as to compatibility with present voice and nonvoice communications?

(D) Can locator systems employing data link techniques on vehicles be accommodated on the same frequencies used by the licensee for two-way radio telephone systems? If this is not possible, what is the anticipated requirement for new land mobile channels to provide for the licensing of location data links? Does the situation differ from one urban area to another so as to require different treatment in this regard for a large urban area than for a small one?

(E) What is the practical market required to support nonrecurring and recurring costs associated with AVM control centers (computation equipment, software, maintenance, training), sensors (equipment, maintenance), and vehicle equipment?

(F) Is it practical to establish standards which can provide user access on a countrywide basis to different pulse ranging trilateration AVM systems? If so, what interface requirements should there be for vehicular/base station equipment?

(G) With respect to licensing procedures, operating entities authorized, and multiple user systems:

1. In what radio services should AUM systems be licensed and what limitations, if any, should there be upon eligibility for licensing these systems?

2. Should a multiplicity of locator systems be authorized in a single metropolitan area or should service to all users be provided by a single system? What would be the impact on spectrum usage as between a single or multiple system?

3. What specific public safety users, if any, can support their own vehicle location systems? Is it reasonable to require such users to provide service to other users in a given area? If a specific user could not support its own system or could not provide service to other users, what type of operating entity should be authorized, e.g. common carrier, user cooperative, some other "common user" entity?

(H) What effect, if any, would the development of cellular systems in the 806–947 MHz range have upon the need for and potential growth of AVM operation in the 902–928 MHz region?

9. Pursuant to the foregoing, the Commission orders further notice of inquiry in this proceeding looking towards the possible amendment of Parts 2, 89, 91, and 93 of the FCC Rules. *It is further ordered*, That, to the extent indicated herein, the Petition, RM–1734, submitted by the Hazeltine Corporation, is granted and notice of proposed rule making is hereby given to amend Part 91 of our rules governing the Industrial Radiolocation Radio Service.

10. Authority for these actions is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended. In accordance with applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before September 14, 1972, and reply comments on or before September 28, 1972. Pursuant to § 1.419(b) of the Commission's rules, an original and 14 copies of all statements, briefs, and comments filed shall be furnished the Commission. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken. The Commission may also take into account other pertinent information before it in addition to specific comments invited by this notice. Responses will be available

[1] McDonnell Douglas filed its comments in Docket 18262 relative to the future use of the frequency band 806–960 MHz. It contemplates a bandwidth requirement of only 3 MHz for its system which incorporates a less frequent information update rate for a lesser number of vehicles than for the Hazeltine system.

for public inspection during regular business hours in the Commission's Public Reference Room at its Headquarters in Washington, D.C.

Adopted: June 28, 1972.

Released: July 3, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-10648 Filed 7-11-72;8:51 am]

[47 CFR Part 73]

[Docket No. 19534; FCC 72-570]

FM BROADCAST STATIONS

Table of Assignments, Fresno, Calif.

In the matter of amendment of § 73.202, *Table of Assignments*, FM Broadcast Stations (Fresno, Calif.), Docket No. 19534, RM-1928.

1. Notice of proposed rule making is hereby given concerning the amendment of section 73.202(b) of the rules, the table of FM assignments, on a petition filed by John Sonder and Sylvia Sonder doing business as Atlas Broadcasting Co. (Atlas), licensee of daytime AM Station KXEX, Fresno, for assignment of FM Channel 290 to Fresno, Calif. It appears that, although the petition was received in one of the Commission offices on March 26, 1971, its existence did not become known until Atlas filed reply comments, February 11, 1972, in Docket No. 19378, wherein the notice proposed, among others, Channel 290 as a substitute for Channel 266 at Hanford, Calif.; Channel 298 was subsequently assigned. We now give consideration to the petition and invite comments thereon.

2. Atlas petitions for assignment of the seventh FM channel to Fresno, Calif. Channel 290 could be assigned to Fresno without changing any of the presently assigned channels. Fresno, with a population of 165,972, is the seat of Fresno County (population 413,053). Fresno has, in addition to the six FM stations, 10 AM stations, of which five operate during daytime hours only. Fresno County, which is also a SMSA, has, in addition to the stations in the city of Fresno, two daytime AM stations (Coalinga and Fowler) and one Class A FM assignment (Fowler).

3. In support of its request, Atlas contends that Fresno is located in the middle of San Joaquin Valley with mountain ranges surrounding it, which isolate it from all other major markets, and that it is located in the heart of a growing area of California. It asserts that further justification for the channel is the need to provide Spanish language programming, especially at night, to 20 percent of the population of the Fresno metropolitan area, who are Spanish-Surnamed Americans.

4. The petitioner's preclusion study shows that, except for two of the seven channels involved, the assignment of Channel 290 would preclude some areas of possible assignments. It also shows that there is at least one channel available to every portion of the areas that would be affected by its proposal. The availability study is based on the use of Channels 221A, 244A, and 298. Since Channels 244A and 298 are assigned to Fowler and Hanford, respectively, in Docket No. 19378, it leaves only Channel 221A as available for assignment to most of the precluded areas. However, it does not mean that there are no other channels available in light of the substitution of the channels in those communities; the areas of availability may be different.

5. Since Fresno has a population of 165,972 and has six FM assignments, it has the maximum number of channels allowed under the FM allocation criteria: four to six channels to a community with a population of 100,000 to 250,000.[1] The request thus raises a question of whether assignment of another channel would be in the public interest. Petitioner has urged that a channel is needed to provide programs to the Spanish speaking people. However, there is no assurance that a channel once allocated would be assigned to the petitioner, as the channel would be available for assignment to all qualified applicants. Nevertheless, we believe that an inquiry should be made as to whether additional channel assignment to Fresno would be in the public interest. Probably it may be more realistic to consider the use of population data based on SMSA or the urbanized area, which would allow additional assignments. Since the petitioner's showing of other available channels is based on the study of Channels 224A and 298, which are now assigned as substitute channels to two communities, the areas of availability of other channels may not be the same. We would thus be interested in knowing whether there are any other channels available to the areas that would be foreclosed by the assignment of Channel 290 to Fresno. In the interim, we will tentatively propose to assign Channel 290 to Fresno, Calif.

6. *Showings required.* Comments are invited as to the proposal discussed above. The proponent will be expected to answer whatever questions have been raised. Proponent is expected to file comments, even if nothing more than resubmit or refer to the petition. The petitioner, among other things, is expected to state its intention to apply for the channel, if assigned, and if authorized, to promptly build its station. Failure to make these showings may result in denial of the petition.

7. *Cut-off procedure.* As in other recent FM rule making proceedings, the following procedures will govern:

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

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

8. In view of the foregoing, and pursuant to authority found in sections 4(i), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend the table of FM assignments (section 73.202(b) of the Commission's rules and regulations) as concerns the following community:

City	Channel No.	
	Present	Proposed
Fresno, Calif.	229, 238, 250, 266, 270, 274	229, 238, 250, 266, 270, 274, 290

9. Pursuant to applicable procedures set out in section 1.415 of the Commission's rules, interested persons may file comments on or before August 14, 1972, and reply comments on or before August 24, 1972. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

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

Adopted: June 28, 1972.

Released: July 3, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-10645 Filed 7-11-72;8:47 am]

[47 CFR Part 73]

[Docket No. 19533; FCC 72-568]

FM BROADCAST STATIONS

Table of Assignments, La Crosse, Wis.

In the matter of amendment of § 73.202(b), *Table of assignments*, FM Broadcast Stations (La Crosse, Wis.), Docket No. 19533, RM-1845.

1. Notice is hereby given concerning the amendment of the FM Table of Assignments (§ 73.202(b) of the Commission's rules) to add Channel 285A to La Crosse, Wis.

[2] Commissioners Burch, chairman; and Johnson absent.

[1] Further notice of proposed rule making, Docket No. 14185, July 25, 1962 (FCC 62-867) and incorporated by reference in par. 25 of the Third Report, memorandum opinion and order, adopted July 25, 1963, 28 F.R. 8077, 23 RR 1859 (1963).

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

2. Petitioner, La Crosse Radio, Inc. (Radio) requests the assignment of Channel 285A to La Crosse, Wis. The community already has two FM assignments, Channels 227(b) and 240A, both of which are occupied and three unlimited time AM stations, one of which is licensed to Radio. Petitioner contends that La Crosse (population 51,153) seat of La Crosse County (population 80,468) warrants an additional assignment to serve this growing area. La Crosse is said to be the economic center for an area having more than 200,000 residents and both the city and the county are said to be outstripping others in the area in their growth rate. Radio points to our action several years ago assigning a Class A channel even though there was an operational Class B assignment already there. It sees that situation and this one as being analogous and it argues that La Crosse warrants an additional Class A channel.

3. According to Radio's engineering submission, the assignment could be made consistent with applicable spacing requirements if a site were selected approximately 4½ miles west of La Crosse. Radio is confident that such a site, on the bluff west of the Mississippi River in Minnesota, would be available and could provide requisite coverage to La Crosse. In terms of preclusionary impact, Radio states that a tiny area (without any cities) would be precluded on Channel 288A. As to the requested channel itself, although it could be used in several other communities instead, Radio views its proposed use in La Crosse as being preferable.

4. In our view, this proposal has sufficient merit to warrant further exploration. The classes of the two current assignments in LaCrosse are already intermixed, so our concern on this score is much diminished. The proposal to assign a third FM channel to a community of this size is consistent with our criteria and at this point it appears that the spacing restrictions on selection of a transmitter site would not pose an insuperable problem. However, we do need additional information on this score, showing the area in which a site would have to be selected and the ability of a station operating in this area to render the necessary coverage to LaCrosse. In this regard, information on the general topography of the area is required, but the terrain along specific radials need not be computed unless necessary to document the point. If Radio contemplates use of a particular site in this area it need only provide information regarding that site.

5. From the information before us, it appears that the preclusionary impact of Channel 288A would not be significant, but the same cannot be said for Channel 285A itself. Use of this channel in LaCrosse would preclude its use in Rushford, Minn. (population 1,335), Houston, Minn. (population 1,082) and Caledonia, Minn. (population 2,563). There are no AM stations or FM assignments in any of these communities. Accordingly, we are in need of more data relating to the need for a first local service in these communities as contrasted with LaCrosse's need for a third channel and to the possibility that another channel would be available for use in one or more of these communities. Although this matter requires further inquiry we believe the subject proposal is worth exploration.

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

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

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

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

City	Channel No.	
	Present	Proposed
La Crosse, Wis....	227, 240A	227, 240A, 285A

8. Pursuant to applicable procedures set out in section 1.415 of the Commission's Rules, interested persons may file comments on or before August 14, 1972, and reply comments on or before August 24, 1972. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

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

Adopted: June 28, 1972.

Released: July 3, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[1]

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

[FR Doc.72-10650 Filed 7-11-72;8:51 am]

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

[47 CFR Part 73]

[Docket No. 19535; FCC 72-571]

FM BROADCAST STATIONS

Table of Assignments, Certain Cities in Arkansas, Colorado, and Indiana

In the matter of amendment of § 73.202, *Table of assignments,* FM broadcast stations (Salem, Ark.; Breckenridge, Colo.; and Berne, Ind.), Docket No. 19535, RM-1922, RM-1938, RM-1961.

1. We have before us, for consideration, three petitions, each requesting the institution of rule making looking toward the assignment of a new FM channel. They each deal with different communities and will be discussed seriatim. All population statistics cited are from the 1970 U.S. Census.

RM-1922, SALEM, ARK.

2. On February 9, 1972, Mr. Ronald E. Plumlee filed a petition with this Commission requesting the assignment of Channel 240A to Salem, Ark. No other revisions, in our Table of Assignments, were proposed. No comments were filed in respect to the petition.

3. Salem, Ark. (population 1,277) is the county seat of Fulton County (population 7,699). There is no FM channel assigned to the community nor is there a standard broadcast station licensed there. In brief, no aural broadcast facilities exist in Salem.

4. The filing points out that Salem is located in north central Arkansas at the major intersection of U.S. Highway No. 62 and Arkansas Highway No. 9. It is alleged that Salem and the surrounding area is rapidly growing and that the major industries on which the growth is based are tourism, recreation, retirement, manufacturing, and farming. In describing Salem and its facilities petitioner states:

* * * In 1963, Fulton County opened a new 22-bed hospital at Salem, financed by a 5-mill county tax * * * in 5 years a new addition was constructed bringing the total bed capacity to 36. Just recently a new surgical, intensive care unit was added to the hospital to further fulfill the medical needs of a growing community. Salem has two medical clinic buildings with four doctors available to serve the county's needs. Our senior citizens are also taken care of by the Oak Hills Manor Nursing Home at Salem. 126 beds are available in one of Arkansas' finest nursing homes for the elderly who need intensive care. In 1967, Salem had the opportunity to serve its first major industry if only space could have been found. The people of Fulton County donated $50,000 to construct a 10,000 square foot building so that the Tri-County Shirt factory could begin operations here. Three years later a larger and more modern building was constructed by revenue bonds and the shirt factory operation was expanded. Today, more than 500 local residents are employed in Salem's major factory. The public school system serving Salem is rated A by the Arkansas Department of Education. A new modern high school was opened, in Salem, 2 years ago, more than 700 students are in attendance. Since Salem is the county seat of Fulton County, it occupies

an important position as the commercial center for this area. The 1970 Salem population is 1,277 as compared to the 1960 population of 713, is but one indication of the growth of this area. Salem has the opportunities, the location, the people, and many of the community services that are necessary for a growth area * * *.

Mr. Plumlee describes his proposed station as the first local means of mass communications meeting all the needs for; civic, emergency, social, and entertainment broadcasts of not only the seat of Fulton County, Salem, but in addition the various adjacent and related Arkansas towns and communities of Viola, Lake Norfork, Melbourne, Calico Rock, Oxford, Horseshoe Bend, Hardy, Cherokee Village, Ash Flat, as well as the small communities in Missouri of Moody, South Fork, Lanton, and a portion of the county of Howell. In sum, petitioner's calculations indicate that a first local FM service at Salem would bring a first means of local expression and entertainment to 11,940 persons in Salem and its related communities in the surrounding area.

5. In light of the facts that, no oppositions have been filed, no existing FM assignments will be disturbed under the proposal and, that there is no local FM radio service presently located in the immediate Salem area (Fulton County has but one FM station licensed in it, KAMS, Channel 236, Mammoth Spring, Ark.), we consider it in the public interest to explore Mr. Plumlee's proposal to assign FM Channel 240A to Salem, Ark., in this rule making proceeding.

RM–1938, BRECKENRIDGE, COLO.

6. Mr. Edward J. Patrick filed a petition with this Commission on March 6, 1972, requesting the assignment of Channel 272A to Breckenridge, Colo. No other allocations or reallocations were proposed. No opposing comments were filed.

7. There is no FM assignment nor standard broadcast station at Breckenridge, located in Summit County, respective populations, 548 and 2,665.

8. Mr. Patrick states that his proposal will bring Breckenridge its first local radio service. The community gets little radio service from stations in other communities since it is surrounded by mountainous terrain in the heart of the Colorado Rockies, approximately 120 miles west of Denver. Breckenridge is asserted to be an important community with regard to recreation: Skiing and other winter sports in season, boating, fishing, hiking, mountain climbing, and other outdoor activities in spring, summer, and fall. While we note that the permanent population appears to be quite small, petitioner advises us that there are many tourists who come to Breckenridge for the above sports in season and that thereby the population is, from time to time, swelled to approximately 6,500 persons. Too, it is alleged that the community and area are rapidly developing with $70 million in construction scheduled in Summit County in 1972. Petitioner is particularly hopeful for the development of the community in light of the fact that the Alpine events of the 1976 olympics will be held about 30 miles from Breckenridge. We are also told that a preliminary master plan for the city of Breckenridge projects a 10-year population figure of between 50 to 60,000 persons. With respect to the commercial life in the community petitioner states:

> Breckenridge has a complete range of commercial shops providing goods and services. There is one bank in Breckenridge and one bank in Frisco to serve Summit County. In addition to the normal types of businesses found in most communities such as a large supermarket (that is currently planning to double its size), a large drug-variety store, clothing stores, beverage stores, service stations, a variety of restaurants, and varied professional services, there are also numerous shops which serve the specialized needs of visitors and sportsmen.

Total retail sales for Summit County in 1971 were $14,311,000. They are expected to increase in 1972 to over $17 million. Mr. Patrick concludes his petition by advising us that there is no radio station of any kind located in Summit County and that his proposed station could, for the first time, provide for the rapid mass dissemination of information concerning community events, high school sports and the activities of various local organizations.

9. Although we note that the 1970 U.S. census lists a rather small permanent population for Breckenridge, it does appear that the community attracts substantial numbers of tourists and sportsmen which leads to a substantially larger population, although transient in nature. The lack of any local radio service, the isolation of Breckenridge and Summit County and the fact that no community will be deprived of a radio service in order to bring Breckenridge its proposed new broadcast service, lead us to the belief that it is in the public interest to explore the possible assignment of FM Channel 272A to Breckenridge, Colo., in this rule making proceeding.

RM–1961, BERNE, IND.

10. FM Channel 228A is requested to be assigned to Berne, Ind., by the petition of South Adams Broadcasting Co. (an Indiana partnership) (South Adams) filed with this Commission on April 13, 1972. No other changes in our FM allocation table are proposed or required. Swiss Village (a nonprofit corporation providing care and residency for the elderly) filed a supporting comment in the form of a letter as did the mayor of Berne. No oppositions were filed.

11. Adams County, Ind., has a population of 26,871 persons. It contains the small city of Berne with 2,988 residents. Our FM Table of Assignments has no assignment for Berne and there is no standard broadcast station licensed in the community.

12. Berne is located in central eastern Indiana approximately 32 miles south-southeast of Fort Wayne, Ind., 40 miles northeast of Muncie, Ind., and 12 miles south of Decatur, Ind., Adams County's governmental seat. The community was founded in 1852 by immigrants from Switzerland whose descendants constitute a substantial portion of the present population, It has grown until its population in 1960 reached 2,644 persons. Its 1970 population, supra, shows an increase of 13 percent since 1960. South Adams sets out the following chart to indicate the major firms and the number they employ in the community:

Business	*Number of employees*
CTS of Berne	1,100
Berne Furniture Company	195
Dunbar Furniture	125
Smith Brothers Furniture	50
Micromatic Tool	102
Spesta McIntosh	50
Intra-American Homes	30
Berco	150
Swiss Village	30

We are advised that in addition to the cited businesses, there are 75 wholesale and retail outlets in Berne. The city's religious, social, and civic life appears to revolve about nine churches (including the largest Mennonite Church in the world with a congregation of over 1,500), the Chamber of Commerce, Jaycees, a Lion's Club and a Rotary Club. Berne is governed by a major and a five-member city council, each elected to 4-year terms. A new $4 million high school is being constructed 2 miles south of Berne on U.S. Highway 27 which will serve Berne and other adjacent communities. Berne has its own elementary school. Petitioner notes that 4 miles south of Berne is the thriving community of Geneva, Ind., with a population of 1,100 persons, and that 5 miles north of Berne is Monroe, Ind., population 622. Although each of these communities have independent governing bodies, light industry and shopping areas, their proximity to Berne and their lack of local news media indicate that their citizens would too benefit from petitioner's proposed station at Berne. Adams County as a whole, has primarily an agricultural economy with the 1969 market value of agricultural products being $21,364,822. Swiss Village's comment indicates that the many elderly citizens of the area could benefit substantially from a first local aural service which would bring to them (since many of them are restricted in travel) news, entertainment, and religious programing. In concluding this descriptive paragraph, we cite South Adams' statement that:

> From the foregoing, it is apparent that Berne needs and can support the FM assignment proposed herein and that such an assignment, representing the first local aural service, would meet significant community needs and further stimulate the economic growth of Berne and southern Adams County.

13. In view of the foregoing, we have come to the judgment that the public interest would be served by setting forth petitioner's proposal (the assignment of Channel 228A to Berne, Ind.) in this rule making proceeding, in order to explore the public interest factors involved in such an allocation.[1]

[1] In order to meet our minimum mileage separation requirements any transmitter site for the proposed channel will have to be located approximately 7 miles southeast of Berne.

14. With the above material and public interest findings before us, we propose, for consideration, the following revisions in our FM Table of Assignments (§ 73.202 of our rules) with respect to the cities listed below:

City	Channel No.	
	Present	Proposed
Salem, Ark		240A
Breckenridge, Colo		272A
Berne, Ind		228A

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

16. *Showings required.* All proponents of the proposed allocations should file comments with respect to the need for the proposed assignments. They may do so, in large part, by describing the economics, sociology, and importance of the subject community. This, in order to give the Commission the information it must have to render the required judgment that the assignment would be in the public interest. In the event a proponent is of the view that an adequate public interest showing has been made, a comment should be filed incorporating formal pleadings by reference and stating a current intent to apply for the FM channel of interest, if assigned. Failure to file may lead to denial of a request.

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

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

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

18. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before August 14, 1972, and reply comments on or before August 24, 1972. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

19. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

20. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C. (1919 M Street NW.)

Adopted: June 28, 1972.

Released: July 3, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-10649 Filed 7-11-72;8:51 am]

[2] Commissioners Burch, Chairman; Johnson, absent.

Notices

DEPARTMENT OF STATE

Agency for International Development

DIRECTOR, OFFICE OF CAPITAL DEVELOPMENT AND ENGINEERING (NCD) ET AL.

Redelegation of Authority

To: Director, Office of Capital Development and Engineering (NCD); Deputy Director, Office of Capital Development and Engineering (NCD); Associate Director, Office of Capital Development and Engineering (NCD).

Pursuant to the authority delegated to me by Delegation of Authority No. 38, dated April 10, 1964, as amended, I hereby redelegate to each of the individuals listed above, for grants to the Government of the People's Republic of Bangladesh using funds authorized pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, authority to perform the following functions, retaining for myself concurrent authority to exercise any of the functions herein redelegated:

1. Authority to implement grant agreements with the Government of the People's Republic of Bangladesh with respect to grants authorized under section 491 of the Foreign Assistance Act of 1961, as amended;

2. Authority to negotiate, execute, and implement agreements and other documents ancillary to grant agreements with the Government of the People's Republic of Bangladesh with respect to grants authorized under section 491 of the Foreign Assistance Act of 1961, as amended; and

3. Authority to provide instructions to the U.S. Coordinator, Office of Relief and Rehabilitation, Dacca, with regard to implementation of grant agreements with the Government of the People's Republic of Bangladesh with respect to grants authorized under section 491 of the Foreign Assistance Act of 1961, as amended, and with respect to negotiation, execution, and implementation of agreements and other documents ancillary to such grant agreements.

The authorities enumerated above may be redelegated by the individuals listed above to qualified loan officers within the Office of Capital Development and Engineering (NCD), Bureau for Asia.

Actions within the scope of this redelegation heretofore taken by the officials designated herein are hereby ratified and confirmed.

This redelegation of authority is effective immediately.

Dated: June 26, 1972.

CURTIS FARRAR,
Acting Assistant Administrator,
Bureau for Asia.

[FR Doc.72-10623 Filed 7-11-72;8:46 am]

MISSION DIRECTOR AND DEPUTY MISSION DIRECTOR, USAID/PAKISTAN

Redelegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 5, dated December 29, 1961, as amended, I hereby redelegate to the individuals listed above and to any person acting in their official capacity, authority to perform the following functions, subject to instructions otherwise by me or my designee and retaining for myself concurrent authority to exercise any of the functions herein redelegated:

1. Authority to negotiate loan agreements with respect to loans authorized under the Foreign Assistance Act of 1961 in accordance with the terms of the authorization of such loans;

2. Authority to execute and deliver loan agreements and amendments thereto with respect to loans authorized under the Foreign Assistance Act of 1961: *Provided, however,* That the foregoing authority may not be utilized to approve amendments to such loan agreements which could increase the maximum total amount of the loan;

3. Authority to implement loan agreements with respect to loans authorized under the Foreign Assistance Act of 1961 and by the Board of Directors of the Corporate Development Loan Fund to the following extent:

(a) Authority to review and approve documents and other evidence submitted by borrowers in satisfaction of conditions precedent to financing under such loan agreements;

(b) Authority to negotiate, execute and implement all agreements and other documents ancillary to such loan agreements.

The authorities enumerated above may be redelegated by the individuals listed above, as appropriate, but not successively redelegated, except that the authority described above in paragraph (2) may not be redelegated.

The authorities enumerated above in paragraph (2) are also hereby redelegated under the same terms and conditions set forth herein to the U.S. Ambassador to Pakistan.

The redelegation of authority, dated June 11, 1965, from William B. Macomber, Jr., Assistant Administrator, Bureau for Near East and South Asia, with respect to loans authorized under the Foreign Assistance Act of 1961 and by the Board of Directors of the Corporate Development Loan Fund, insofar as it relates to the Mission Director and Deputy Mission Director, USAID/Pakistan, is hereby rescinded.

This redelegation of authority is effective immediately.

Dated: June 26, 1972.

CURTIS FARRAR,
Acting Assistant Administrator,
Bureau for Asia.

[FR Doc.72-10624 Filed 7-11-72;8:46 am]

MISSION DIRECTOR AND DEPUTY MISSION DIRECTOR, USAID/PAKISTAN

Rescission of Redelegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 23, dated December 28, 1962, as amended, I hereby rescind the redelegation of authority from William B. Macomber, Jr., Assistant Administrator, Bureau for Near East and South Asia, to the Mission Directors and Deputy Directors of the Missions of India, Pakistan and Turkey dated June 11, 1965, with respect to loans authorized under the portion of section 104(e) of the Agricultural Trade Development and Assistance Act of 1954, as amended, added by the Act of August 13, 1957 (Cooley Loans) insofar as it relates to the Mission Director and Deputy Mission Director, Pakistan.

Dated: June 26, 1972.

CURTIS FARRAR,
Acting Assistant Administrator,
Bureau for Asia.

[FR Doc.72-10625 Filed 7-11-72;8:46 am]

LIST OF INELIGIBLE SUPPLIERS

The following "List of Ineligible Suppliers" under A.I.D. Regulation 8 is currently in effect. All persons who anticipate A.I.D. financing for a transaction involving any person whose name appears on this list should take special notice of its contents.

LIST OF INELIGIBLE SUPPLIERS

SECTION 1. *Purpose of the list.* The List of Ineligible Suppliers implements the provisions of A.I.D. Regulation 8, "Suppliers of Commodities and Commodity-Related Services Ineligible for A.I.D. Financing" (22 CFR Part 208). Subject to the conditions described below A.I.D. will not make funds available to finance the cost of commodities or commodity-related services furnished by any supplier whose name appears on the list. A debarred supplier whose name appears in section 3 of a printed or published list has been placed thereon for the causes specified in § 208.5 of Regulation 8; a suspended supplier whose name appears in section 4 of a printed or published list has been placed thereon for the

causes specified in § 208.7 of Regulation 8. A.I.D. has taken such action in accordance with the procedures described in Subpart D of Regulation 8.

With respect to the interest of any U.S. bank which holds an A.I.D. Letter of Commitment, special attention is called to the fact that the List as periodically modified by A.I.D. constitutes a special amendment to every Letter of Commitment to the effect that A.I.D. will not provide reimbursement to a bank for payment to any supplier whose name appears on the List, excepting only (a) a payment made to a supplier on or before the initial date of suspension indicated for that supplier under an A.I.D. Letter of Commitment issued prior to that date, and (B) a payment made to a supplier under an irrevocable Letter of Credit opened or confirmed on or before the initial date of suspension indicated for that supplier under an A.I.D. Letter of Commitment issued prior to that date. A bank which receives copies of the List and the periodic modifications thereto shall be held in its relationship with A.I.D. to the standard of care described in § 201.73(f) of Regulation 1 (22 CFR 201.73(f)) with respect to every transaction governed by an A.I.D. Letter of Commitment issued to that bank.

SEC. 2. *Contents of the List.* The List of Ineligible Suppliers consists of all suppliers and affiliates who have been debarred or suspended by A.I.D. Additions to or deletions from the List are communicated directly to every U.S. bank holding an A.I.D. Letter of Commitment as they occur. A.I.D. endeavors to keep printed and published lists as current as possible by superseding or supplementary issuance. No prejudice whatsoever shall attach to a supplier whose name has been removed from this list.

SEC. 3. *Suppliers debarred from A.I.D. financing.*

NAME, ADDRESS, INITIAL DATE OF SUSPENSION, AND PERIOD OF DEBARMENT

Cerco, Inc., 1124 Ashford Avenue, Santurce, P.R. 00907, August 5, 1969, September 12, 1969–September 12, 1972.

Chin Ui Sae Tan, Mr. (aka Thao Chue), 1024 Songwad Road, Bangkok, Thailand, July 31, 1969, September 8, 1969–September 8, 1972.

Eam-Hung, Mr., 1024 Songwad Road, Bangkok, Thailand, July 31, 1969, September 8, 1969–September 8, 1972.

Liao, Mr. J. Y. (aka Liao, Chi-Yo), President, Summid Corp., 7–2 Alley 13, Lane 1032, Chung Cheng Road, Taipei, Taiwan, April 7, 1970, May 7, 1971–May 7, 1974.

Mane Fils, Inc., 250 Park Avenue South, New York, NY, January 7, 1969, February 6, 1970–February 6, 1973.

Mutual International, Inc., 420–444 Market Street, San Francisco, CA 94111, September 23, 1968, December 1, 1969–December 1, 1972.

Palmetto Industry Co., 32 Broadway, Suite 808, New York, NY 10004, March 15, 1968, October 26, 1969–October 26, 1972.

Summid Corp., 7–2 Alley 13, Lane 1032, Chung, Cheng Road, Taipei, Taiwan, April 7, 1970, May 7, 1971–May 7, 1974.

Teck Yoo Industry, Ltd., partnership, 1024 Songwad Road, Bangkok, Thailand, July 31, 1969, September 8, 1969–September 8, 1972.

Tumay, Mr. Francis, president, 32 Broadway, Suite 808, New York, NY 10004, March 15, 1968, October 26, 1969–October 26, 1972.

Wong, P. C., & Co., 156 Funston Street, San Francisco, CA, September 23, 1968, December 1, 1969–December 1, 1972.

Wong, Mr. Peter C., 156 Funston Street, San Francisco, CA, September 23, 1968, December 1, 1969–December 1, 1972.

SEC. 4. *Suppliers suspended from A.I.D. financing.* The following persons have been suspended from A.I.D. financing until further notice pending completion of an A.I.D. investigation of facts which may lead to the eventual debarment of such persons:

NAME, ADDRESS, AND INITIAL DATE OF SUSPENSION

Archifar Pharmaceutical Products, Inc., 20 Exchange Place, New York, NY 10005, November 9, 1966.

Associated Chemo-Pharm Industries, Inc., 20 Exchange Place, New York, NY 10005, November 9, 1966.

Bershad, Mrs. Carolyn, 8211 Streamwood Drive, Baltimore, MD 21208, September 26, 1967.

Bershad, Irving, 8211 Streamwood Drive, Baltimore, MD 21208, September 26, 1967.

Cathay Steel Export Corp., 160 Broadway, New York, NY 10038, September 26, 1967.

Chatham Shipping Corp., 375 Park Avenue, New York, NY 10022, April 30, 1970.

Colony Steel Co., 122 East 42d Street, New York, NY, March 26, 1968.

Concepcion, Mr. Segismundo, 160 Broadway, New York, NY 10038, April 22, 1969.

Concrete Pipe Machinery Co., Post Office Box 1708, Sioux City, IA 51102, August 10, 1970.

Corrigan-Gonzalez Export Corp., 4001 Northwest 25th Street, Miami, FL, November 17, 1970.

Corrigan & Sons, Inc., Post Office Box 218, San Antonio, FL, November 17, 1970.

Dixie Chick Co., 510 Davis Street SW., Gainesville, GA 30501, March 5, 1969.

Domestic Export Corp., 288 New York Avenue, Huntington, NY, February 14, 1972.

Eastar Trading Co., 1830 West Olympic Boulevard, Los Angeles, CA 90006, May 20, 1970.

Farber, Dr. John J., International Chemical Corp., 720 Fifth Avenue, New York, NY 10019, July 31, 1969.

Fertig, Capt. Arthur H., 19 West Street, New York, NY 10011, April 30, 1970.

Gubbay, Mr. Clement, 20 Exchange Place, New York, NY 10005, November 9, 1966.

Higgins, Mrs. Mabel, 660 Capri Boulevard, Treasure Island, FL 33706, Apri 5, 1967.

Higgins, Thomas Edison, Enterprises, Inc., 660 Capri Boulevard, Treasure Island, FL 33706, April 5, 1967.

Higgins, Thomas Edison, 660 Capri Boulevard, Treasure Island, FL 33706, April 5, 1967.

Industrial Waxes, Inc., 925 Dixie Terminal Building, Cincinnati, Ohio 45202, May 5, 1971.

International Chemical Corp., 720 Fifth Avenue, New York, NY 10019, July 31, 1969.

International Clay Machinery Co. of Delaware, Inc., 15 Park Row, New York, NY 10038, August 9, 1971.

International Engineering, Inc., 15 Park Row, New York, NY 10038, August 9, 1971.

International Enterprises, 160 Broadway, New York, NY 10038, April 22, 1969.

International Farm Products, 720 Fifth Avenue, New York, NY 10019, July 31, 1969.

Kim, Mr. Peter, Eastar Trading Co., 1830 West Olympic Boulevard, Los Angeles, CA 90006, May 20, 1970.

Kleyman, Leslie, Corp., 720 Fifth Avenue, New York, NY 10019, July 31, 1969.

Lesh, Mr. George B., Vice President, Chatham Shipping Corp., 375 Park Avenue, New York, NY 10022, April 30, 1970.

Le Vita Industries, 35 La Patera Lane, Goleta, CA 93016, November 2, 1971.

Le Vita, Mr. Frank O., North American Steel Co., Pontiac State Bank Building, Pontiac, Mich. 48058, November 2, 1971.

Long, Mr. Sumner A., President, Chatham Shippinp Corp., 375 Park Avenue, New York, NY 10022, April 30, 1970.

Lowens, Mr. Ernest, 20 Exchange Place, New York, NY 10005, November 9, 1966.

Marclem, S. A., c/o Buffete Tapia, Calle 31, 3–80 Panama City, Republic of Panama, October 25, 1967.

Meoni, Mr. A., 20 Exchange Place, New York, NY 10005, November 9, 1966.

McElroy, Mr. Roy H., President, International Clay Machinery Co. of Delaware, Inc., 15 Park Row, New York, NY 10038, August 9, 1971.

Napco Industries, Inc., Post Office Box 570, Minneapolis, MN 55440, August 7, 1969.

Navarro, Mr. Ben, 20 Exchange Place, New York, NY 10005, November 9, 1966.

North American Steel Co., Pontiac State Bank Building, Pontiac, MI 48058, November 2, 1971.

North Georgia Feed & Poultry, Inc., 514 Davis Street SW., Gainesville, GA 30501, March 5, 1969.

Pharma Scienta, 156 Rue de Damas, Imm. Homsi, Beirut, Lebanon, December 19, 1966.

Premium Finishes Sales, Inc., 925 Dixie Terminal Building, Cincinnati, OH 45202, May 5, 1971.

Price Paper Products Corp., 925 Dixie Terminal Building, Cincinnati, Ohio 45202, May 5, 1971.

Price, Mr. Thomas E., c/o Price Paper Products Corp., 925 Dixie Terminal Building, Cincinnati, Ohio 45202, May 5, 1971.

Price y Cia., Inc., 925 Dixie Terminal Building, Cincinnati, Ohio 45202, May 5, 1971.

R & Z Co., Inc., 2041–47 Pitkin Avenue, Brooklyn, NY 11207, October 23, 1969.

Richter, Gedeon, Pharmaceutical Products, Inc., 20 Exchange Place, New York, NY 10005, November 9, 1966.

Rogers, Mr. Henry, 2041–47 Pitkin Avenue, Brooklyn, NY 11207, October 23, 1969.

Rolquin, Mr. E. R., president, Domestic Export Corp., 288 New York Avenue, Huntington, NY, February 14, 1972.

Scheinis, Mr. Samuel, 122 East 42d Street, New York, NY 10007, March 25, 1971.

Shalom, Mr. Raleigh, 20 Exchange Place, New York, NY 10005, November 9, 1966.

Societe des Laboratories Reunis (SOLAR), 156 Rue de Damas, Imm. Homsi, Beirut, Lebanon, December 19, 1966.

Spe-D-Magic Co., 660 Capri Boulevard, Treasure Island, FL 33706, April 5, 1967.

Surplus Steel Exchange, Inc., 227 Fulton Street, New York, NY 10007, January 16, 1968.

Tricon International, Inc., 160 Broadway, New York, NY 10038, April 22, 1969.

United Pharmacal Laboratories, Post Office Box 1718, Lot 28, Foreign Trade Zone, Mayaguez, Puerto Rico, December 19, 1966.

Westerling, Mr. Horst, P. G., 925 Dixie Terminal Building, Cincinnati, Ohio 45202, May 5, 1971.

White Magic Co., 660 Capri Boulevard, Treasure Island, FL 33706, April 5, 1967.

Wolff, Mr. Tom G., 787 Tucker Road, North Dartmouth, MA, October 23, 1969.

Zubof, Mr. Samuel, 2041–47 Pitkin Avenue, Brooklyn, NY 11207, October 23, 1969.

Dated: July 5, 1972.

JAMES F. CAMPBELL,
Assistant Administrator for Program and Management Services.

[FR Doc.72–10641 Filed 7–11–72;8:46 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Price Commission Ruling 1972-204; Cost of Living Council Ruling 1972-74]

RETALIATORY EVICTION—ENFORCEMENT CONSEQUENCES

Price Commission and Cost of Living Council Joint Ruling

Facts. A landlord raises a tenant's rent in excess of the amount allowable under the Economic Stabilization Regulations, 6 CFR Part 301 et seq. (1972). After discussing the increase with the landlord and studying the landlord's justification for the rent increase, the tenant reports the rent overcharge to IRS, but pays the increased rent. The tenant is then given an eviction notice.

Issue. When is a landlord's notice to a tenant to vacate rented premises considered a retaliatory action which could result in an enforcement proceeding?

Ruling. Any retaliatory action by a landlord against a tenant for exercising his rights under the Economic Stabilization Act of 1970, as amended (Public Law No. 92-210, 85 Stat. 743), is prohibited by 6 CFR 301.502(f) (1972). Evidence of a motivating reason of retaliation by the landlord against the tenant may result in an enforcement proceeding by the Government to impose civil or criminal penalties on the landlord under 6 CFR 301.651 (1972). The term retaliatory action includes a retaliatory eviction.

The term retaliatory eviction applies to a situation in which the landlord attempts to terminate a tenancy (notwithstanding the fact that the landlord may, under State law, have a legal right to do so), and he is motivated by a desire to retaliate against the tenant for some act committed which was not a breach of the lease or rental agreement. Retaliation is committed through a notice terminating a month-to-month tenancy or an action to evict the tenant where that tenant or his representative has objected to a proposed rent increase in exercise of the tenant's rights under Part 301 et seq. of the regulations. If retaliation is shown, the lessor may be subject to a fine of $5,000 for each violation, a civil penalty of $2,500 for each violation, or an injunction to prohibit the retaliatory act and any further such acts.

While a landlord may evict for any legal reason, he may not evict for an illegal purpose, such as punishing the tenant for exercising his right to report law violations to the proper authorities as provided in the Economic Stabilization Act of 1970, as amended, and regulations issued thereunder.

Retaliatory evictions are also contrary to pubic policy. Edwards v. Habib, 397 F. 2d 687, 699, cert. denied 393 U.S. 1016 (1969), citing Hurd v. Hodge, 334 U.S. 24 (1948). Furthermore, retaliatory evictions are an interference with the citizen's right to call the Government's attention to violations of law, and when he is inhibited in the exercise of this right, a constitutional guarantee is violated. Andrade v. Hauck, 452 F. 2d 1071 (5th Cir. 1971); Vogel v. Gruaz, 110 U.S. 311 (1884); Holmes v. Eddy, 341 F. 2d 477 (4th Cir. 1965); Hosey v. Club Van Courtlandt, 299 F. Supp. 501 (S.D. N.Y. 1969); Schweiger v. Superior Court of Alameda County, 90 Cal. Rptr. 729 (1970).

The effectiveness of enforcement of rent controls under the Economic Stabilization guidelines depends primarily on tenant initiative, aided and encouraged by governmental action. Thus, oppressive practices must be actively discouraged in the interest of substantial justice and the success of the Stabilization Program.

Eviction of a tenant, who has complained to the Government about illegal rental increases, would not only punish the tenant for making a complaint, which he has a constitutional right to make, but also would stand as a warning to others that they dare not be so bold. Retaliatory evictions under such circumstances would be perversion of the congressional purpose in enacting the Economic Stabilization Act of 1970, as amended. To permit or justify retaliatory evictions would inhibit the effectiveness of the Act and a congressional intent to avoid such a result can be inferred as inherent in the legislative purpose of the Economic Stabilization Act, as in any congressional enactment. Nash v. Florida Industrial, Commission 389 U.S. 235 (1967).

A retaliatory motive must be the landlord's dominant motive. The evidence necessary to prove retaliatory eviction can best be arrived at by analogy to labor law precedents relative to retaliatory firing or refusal to hire. See, National Labor Relations Board v. Whitin Machine Works, 204 F. 2d 883 (1st Cir. 1953); National Labor Relations Board v. Howe Scale Co., 311 F. 2d 502 (7th Cir. 1963); A. P. Green Fire Brick Co. v. National Labor Relations Board, 326 F. 2d 910 (8th Cir. 1964); National Labor Relations Board v. Plant City Steel Corp., 331 F. 2d 511 (5th Cir. 1964); National Labor Relations Board v. Melrose Processing Co., 351 F. 2d 693 (8th Cir. 1965); National Labor Relations Board v. Century Broadcasting Corporation, 419 F. 2d 711 (8th Cir. 1969); Southwest Latex Corporation v. National Labor Relations Board, 426 F. 2d 50 (5th Cir. 1970). Such interference is either illegal per se (Edwards v. Habib, 366 F. 2d 528, 629 (D.C. Cir. 1965), 397 F. 2d 687, 702-703 (D.C. Cir. 1968), cert. denied 393 U.S. 1016 (1969)) or at least conclusive of the landlord's bad intent.

Useful evidence in support of an allegation of retaliatory eviction by the landlord includes the following: (a) The tenant always paid rent on time, behaved properly, etc., and therefore, the landlord could have no reason for eviction other than retaliation; (b) when the tenant asked the landlord the reason for the 30-day notice, he refused to answer or was evasive; (c) if the landlord contends that the tenant was sometimes late in paying the rent or was sometimes noisy, the landlord had never complained about this to the tenant; (d) other tenants were late in paying rent for longer periods and more frequently than the tenant in question; or (e) the only points of consequence about which the tenant and landlord disagreed, or about which the tenant challenged the landlord, were the validity of the proposed illegal rent increase or the compliance of the rent increase notice with the form required in 6 CFR 301.502 (1972). In order to successfully resist retaliatory eviction, the tenant should continue to pay the rent, and keep records of the amounts paid allegedly in excess of the amounts allowed under the regulations.

This ruling has been approved by the General Counsels of the Price Commission and Cost of Living Council.

LEE H. HENKEL, Jr.,
Chief Counsel.

Approved: July 6, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-10677 Filed 7-11-72;8:52 am]

[Price Commission Ruling 1972-205; Cost of Living Council Ruling 1972-75]

RETALIATORY EVICTION—TENANT'S RIGHTS AGAINST LANDLORD

Price Commission and Cost of Living Council Joint Ruling

Facts. A landlord raises a tenant's rent in excess of the amount allowable under the Economic Stabilization Regulations, 6 CFR Part 301 et seq. (1972). After discussing the increase with the landlord and studying the landlord's justification for the rent increase, the tenant reports the rent overcharge to IRS, but pays the increased rent. The tenant is then given an eviction notice.

Issue. What legal rights does a tenant, who reports an illegal rent increase to the IRS and is subjected to retaliatory eviction by the landlord, have against the landlord?

Ruling. The tenant may bring an action in Federal District Court for an injunction to prevent the eviction and damages he has incurred as a result of the eviction proceeding. Section 210(a) of the Economic Stabilization Act of 1970, as amended, Public Law No. 92-210, 85 Stat. 743 provides that "Any person suffering a legal wrong because of any act or practice arising out of this title, or any order or regulations issued pursuant thereto may bring an action in a district court of the United States, without regard to the amount in controversy, for appropriate relief, including an action for a declaratory judgment, writ of injunction (subject to the limitations in section 211), and/or damages." A "legal wrong" includes the invasion of a right provided for and protected by 6 CFR Part 301 et seq. (1972) issued pursuant to the Economic Stabilization Act of 1970, as amended. In order for a tenant to come within the terms of section 210(a) and be able to bring an action against his landlord, the tenant

must show that a legally protected right has been abridged by the landlord. Pennsylvania Railroad Co. v. Dillon, 335 F. 2d 292, 294 (D.C. Cir. 1964); Copper Plumbing & Heating Co. v. Campbell, 290 F. 2d 368, 371 (D.C. Cir. 1961).

If a landlord takes retaliatory eviction action against a tenant (see Price Commission Ruling 1972–204 "Government enforcement if retaliatory eviction action is taken by the landlord"), as a result of the tenant's complaint to the Government of illegal rent increases, the tenant's right to report violations as provided in 6 CFR Part 301 et seq. (1972) has been abridged. Therefore, the tenant has suffered a legal wrong and can seek relief under section 210 of the Act in the U.S. District Court for the district of his residence. In such a proceeding, the court may in its discretion, grant relief in the form of: (1) An injunction to prevent the retaliatory eviction and further harassment by the landlord, (2) a court order declaring the rent increase illegal and vacating the eviction notice, and/or (3) reasonable attorney's fees and costs, plus whichever of the following sums is greater: Three times the rent overcharge or an amount from $100 to $1000.

This ruling has been approved by the General Counsels of the Price Commission and the Cost of Living Council.

Dated: July 6, 1972.

LEE H. HENKEL, Jr.,
Chief Counsel.

Approved: July 6, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72–10678 Filed 7–11–72;8:52 am]

[Price Commission Ruling 1972—207; Cost of Living Council Ruling 1972—78]

CONSOLIDATED GROUPS—INTERCOMPANY SALES

Cost of Living Council and Price Commission Joint Ruling

Facts. Corporation P controls Corporation S. Since the acquisition of S, P has maintained a consolidated balance sheet and prepared consolidated financial statements.

Issue. Whether the intercompany sales and profits are included in the "annual sales or revenues" and "profit margin" of the P–S group?

Ruling. The intercompany sales and profits are not included in the "annual sales or revenues" and "profit margin" of the P–S group.

Section 101.11(a) defines a price category I firm as a firm with annual sales or revenues of $100 million or more. 6 CFR 101.11(a) (1972). Section 101.2 provides in part that "firm" means any person, corporation, association, estate, trust, partnership, joint-venture, or sole proprietorship, or any other entity however organized. 6 CFR 101.2 (1972). Annual sales or revenues means the total gross receipts of a firm during its most recent fiscal year from whatever source derived, except that it does not include the gross receipts from transactions with foreign firms. 6 CFR 101.2 (1972). In the present case, the firm is the group of corporations (i.e. P and its subsidiary). Thus, the annual sales of the firm includes the total gross receipts of all the corporations within the group. However, under generally accepted accounting principles, if a parent firm such as P in this case, prepares a consolidated financial statement, the intercompany sales are excluded because their inclusion would not truly reflect the financial position of the economic entity (i.e., the group of corporations). Since intercompany sales are excluded, they are not included in the firms (P and S) annual sales or revenues for the purposes of section 101.11.

Section 300.5 defines profit margin as the ratio that operating income (net sales less cost of sales and normal generally recurring costs of business operations, determined before non-operating items, extraordinary items, and income taxes) bears to net sales as reported on the person's financial statement prepared in accordance with generally accepted accounting principles consistently applied, 6 CFR 300.5 (1972). For the purpose of the Economic Stabilization Regulations a person is considered to include any person controlled by another person. Price Commission Ruling 1972–105, 37 F.R. 5646 (1972). In the present case, since P controls S and that person has consistently prepared consolidated financial statements, the intercompany sales are not included in the profit margin of the P–S group.

This ruling has been approved by the General Counsels of the Price Commission and Cost of Living Council.

Dated: July 7, 1972.

LEE H. HENKEL, Jr.,
Chief Counsel,
Internal Revenue Service.

Approved: July 7, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72–10679 Filed 7–11–72;8:52 am]

[Price Commission Ruling 1972–208]

VOLATILE PRICES—REQUIRED STATEMENT

Price Commission Ruling

Facts. Company A, a prenotification firm, customarily prices items in a manner which is immediately responsive to frequent and customary market price fluctuations in the cost of raw materials. A, seeking the use of the special rule for volatile price found in Economic Stabilization Regulation 300.51 (f) through (i), 6 CFR 300.51 (f) through (i), 36 F.R. 23974 (December 16, 1971), puts the following sentence on his invoice:

> Any increase in the price of this product is due to the increase in the price of raw materials.

Issue. Does this statement meet the requirements of the regulations referred to above and specifically Economic Stabilization Regulation 300.51(h)?

Ruling. No. Economic Stabilization Regulation 300.51(h), 6 CFR 300.51(h), 36 F.R. 23974 (December 16, 1971), is limited and used only where a price is increased under subparagraph (f) of the above section relating to the special rule where there are volatile prices involved. The purpose of subparagraph (h) is to inform customers of exactly which prices have increased and qualify for treatment under the special rule. A general statement, like the one presented, does not meet the requirement that it "* * * indicate that part of any cost increase that is due to an increase in the cost of the raw materials used in making the partially processed product." The statement required by § 300.51(h) must be specific in informing customers first what prices of raw materials did increase and how it directly justifies the price increase sought.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: July 3, 1972.

LEE H. HENKEL, Jr.,
Chief Counsel.

Approved: July 3, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72–10680 Filed 7–11–72;8:52 am]

[Price Commission Ruling 1972–209]

VARYING RENT IN ACCORDANCE WITH THE NUMBER OF OCCUPANTS

Price Commission Ruling

Facts. On August 1, 1971, lessor L leases a residence to tenant A, a single person, on a month-to-month basis for $150 per month. L's traditional practice in leasing this particular residence is to vary rent in accordance with the number of occupants. For example, monthly rent for two occupants is $175 and for three or more is $200. Beginning May 1, 1972, L wishes to lease the residence to four occupants for $200 a month.

Issue. May L lease this particular residence for $200 a month?

Ruling. No. Even though L can show an established, traditional practice of varying rent in accordance with the number of occupants, § 301.202(c) clearly indicates that base rent is only $150. Economic Stabilization Regulations, 6 CFR 301.202(a)(1972). Any increase in rent charged beyond base rent is limited to those rent adjustments specified in paragraph b, Part 301.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: July 3, 1972.

LEE H. HENKEL, Jr.,
Chief Counsel.

Approved: July 3, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72–10681 Filed 7–11–72;8:52 am]

[Price Commission Ruling 1972–210]

BASE PRICE OF LONG-TERM LEASE

Price Commission Ruling

Facts. Real Estate Firm built and owns a high-rise apartment building. In its only transaction, completed in January 1971, the firm leased the entire building to a university, which in turn leased the apartments to its students. By the terms of the lease, rent was to be paid at the annual rate of $33,750 until August 31, 1971. For the remainder of the first year of the lease, the annual rate would be $41,000. For the second through 10th years, the rent increases by annual increments of $1,100. During the freeze period the rent was frozen at the annual rate of $33,750.

Issue. What is the base price of the apartment building?

Ruling. The base price of the apartment building is the amount specified in the lease. After November 12, 1971, Real Estate Firm may charge and collect at the rate specified in the contract.

Since the amount of rent to be paid during each year of the lease is known, the lease cannot qualify as a formula-determined rental under old Economic Stabilization Regulations, § 300.204, 36 F.R. 21792 (1972). "However, any increases in the periodic rental price due to the passage of time * * * shall not be allowed" refers only to such periodic rental increases contained in formula-determined leases.

Old Economic Stabilization Regulation, § 300.507, 36 F.R. 21792 (1971) read as follows:

"(b) Leases of real property—(1) In general. The base price for a lease of an interest in real property is the highest price charged by the person with respect to the same or substantially identical rental units in a substantial number of transactions during the freeze base period. A provision in a lease of an interest in real property executed prior to August 15, 1971, which provides for an increased rental to take effect August 14, 1971, may take effect after November 13, 1971, to the extent such increased rental does not exceed the base price for the rental of such real property."

Since there has been only one transaction, this single transaction qualifies as "substantial" under the 10-percent rule of old § 300.505(c), 36 F.R. 21792 (1971). This transaction necessarily sets the base price for the apartment building. Even though increases in rents were included for each year of the lease, all of the various amounts specified were charged in a substantial number of transactions during the freeze base period. Each rent increase is therefore the base price of the apartment building, and therefore each increase may be collected by Real Estate Firm under the regulations.

This ruling does not apply to real estate rental transactions occurring on or after December 29, 1971, since new regulations, effective on that date, have been issued.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: July 3, 1972.

LEE H. HENKEL, Jr.,
Chief Counsel,
Internal Revenue Service.

Approved: July 3, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72–10682 Filed 7–11–72;8:52 am]

[Price Commission Ruling 1972–211]

DETERMINING PROFIT MARGIN WHEN A FIRM HAS CHANGED FROM A CALENDAR YEAR TO A FISCAL YEAR

Price Commission Ruling

Facts. A company used the calendar year as its basis for computing its annual financial statements. The company closed its books as of December 31, 1970 and then elected to change its accounting year from the calendar year to a fiscal year ending June 30, 1971.

Issue. Is the short year starting January 1, 1971 and ending June 30, 1971 considered one of the last 3 fiscal years and can it be used for determining a profit margin during the base period under Economic Stabilization Regulations, 6 CFR 300.5 (1972)?

Ruling. The short year is not considered one of the last 3 fiscal years and it cannot be used for determining a profit margin during the base period under § 300.5. The term "fiscal years" in the definition of base period in § 300.5 means consecutive 12-month periods constituting taxable years. If there has been a taxable short period within the last 3 taxable years only the 12-month taxable years ending since the short period are included within base period. The latest fiscal year ended before August 15, 1971 is that most recently concluded 12-month taxable year. Therefore, the company's last fiscal year ending before August 15, 1971 ended on December 31, 1970 and the appropriate "fiscal years" to be used for computing the company's profit margin during the base period under § 300.5 are the 12-month periods ending on December 31, of the years 1970, 1969 and 1968.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: July 6, 1972.

LEE H. HENKEL, Jr.,
Chief Counsel,
Internal Revenue Service.

Approved: July 6, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72–10683 Filed 7–11–72;8:52 am]

[Price Commission Ruling 1972—212]

RENT—NEW SECURITY GUARDS

Price Commission Ruling

Facts. A landlord, L, owns an apartment complex in a large metropolitan area. Due to increasing incidents of crime, the landlord wishes to provide a security guard on a 24-hour basis for the apartments. L believes that the § 300.409 which concerns the determination of the base price of a new service applies because he has never provided a security guard in the past.

Issue. Whether the additional cost of providing a security guard may be considered a new service under § 300.409, or is this an increased expense which may be passed to the tenants under § 301.102?

Ruling. The cost of adding a security guard is an expense which must be treated as a service provided in connection with the rental of a residence and is therefore controlled by § 301.102(a) of the Economic Stabilization Regulation, 6 CFR 301.102(a) (1972).

Section 301.102(a) provides in part that a person may charge a monthly rent in excess of the base rent, only to the extent that the monthly rent does not exceed the sum of the base rent, plus 2½ percent of the base rent for the residence or other real property. Under § 301.3 rent is defined to include any charge, no matter how set forth, paid by the lessee for the use of any property, or for any service in connection with the residence or other real property. Economic Stabilization Regulations 6 CFR 301.3 (1972). The charge for the security guard is a charge for a service in connection with the residence, and consequently must be considered as rent under the regulations. Thus, the cost of the security guard can only be passed along to the extent permitted by § 301.102(a).

If any new service provided by a landlord in connection with the rental of a residence is allowed to be treated as a service which is severable from the rental of the residence, the 2½-percent limitation in § 301.102(a) would become ineffective.

Section 300.409 which concerns new services, does not apply to services provided in connection with the rental of a residence. Economic Stabilization Regulations 6 CFR 300.409 (1972). When adding Part 301 to the Economic Stabilization Regulations, the Price Commission stated that the purpose of this amendment is to delete all material relating to leases of real property from Part 300, and establish a new Part 301 to contain all the rules with respect to transactions involving residences and other real property, 36 F.R. 25386 (1972).

This ruling has been approved by the General Counsel of the Price Commission.

LEE H. HENKEL, Jr.,
Chief Counsel,
Internal Revenue Service.

Approved: July 7, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72–10684 Filed 7–11–72;8:53 am]

[Price Commission Ruling 1972-213]

EFFECTIVE DATE OF PRICE INCREASE APPROVAL

Price Commission Ruling

Facts. Manufacturer M, a prenotification firm, produces on an annual new model basis. M submitted a prenotification form to the Price Commission requesting approval to increase its prices on new models. The Commission approved the increase. Prior to the effective date of the increase, M, following traditional industry procedure, shipped finished new models to dealers for the purpose of having these items at dealer-outlets on the initial day of sale to the public. Although the items were in the possession of the dealer, M, through one of a variety of financing arrangements, retained control during the period from dealer possession to the retail price announcement date over the final price to be charged to the dealer.

Manufacturer T produces on the same basis as above. T utilizes a financing arrangement known as a new model tentative billing price. Under such an arrangement, T charges the dealer a tentative new model price which the dealer pays upon receipt of the item. This tentative price is subject to final adjustments, up or down, at a later date, usually the retail price announcement date or the day the item is first offered for sale to the public.

Issues. May manufacturer M charge the approved price increase to items in the dealer's possession on the date of the approved increase? What is the highest tentative new model price that manufacturer T may charge the dealer?

Ruling. In its prenotification form, M may request that the effective date of an approved price increase be made retroactive to allow finished items in the dealer's possession to be charged to the dealer at the increased price. The Commission, in its discretion, may grant retroactivity if M maintains a contractual or other right to alter the price charged to the dealer after the item is in the dealer's possession, regardless of whether title to the item is in M or whether the item is considered to be in M's inventory.

T could charge the approved increase to the dealer after the effective date of the increase if the Price Commission, pursuant to T's request, permitted T to apply the increased price to finished items produced before that effective date and in the dealer's possession. However, in charging a new model tentative price before Commission approval of the increase, T may not charge a price that is higher than the previous year's model price until the Commission grants approval of the increase pursuant to Economic Stabilization Regulations, 6 CFR 300.51 (1972).

To the extent applicable, this ruling amends Price Commission Ruling 1972-20, 37 F.R. 767 (1972), and Price Commission Ruling 1972-138, 37 F.R. 7998 (1972).

This ruling has been approved by the General Counsel of the Price Commission.

LEE H. HENKEL, Jr.,
Chief Counsel,
Internal Revenue Service.

Approved: July 6, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-10685 Filed 7-11-72;8:53 am]

[Price Commission Ruling 1972-214]

NEW PARTNERSHIP—BASE PRICE

Price Commission Ruling

Facts. Seven dentists, noninstitutional providers of health services under 6 CFR 300.19 (1972), formed a partnership on May 1, 1972. Previously, four of the dentists were sole practitioners and three had not been in practice. The patients of the four practicing dentists are expected to patronize the partnership, but each dentist had a different fee schedule before the partnership was formed. The partnership, however, must adopt one fee schedule for all of its patients.

Issue. What is the base price of the new partnership? How is the profit margin determined?

Ruling. Although the partnership is a new "person," the services provided by the partners cannot qualify as new under 6 CFR 300.409 (1972). In order to determine the base price under 6 CFR 300.405(a) (1972), the "seller" must be determined to be the four practicing dentists. The base price is therefore the highest price specified by the four dentists in a substantial number of transactions during the freeze base period. A substantial number of transactions during the freeze base period means 10 percent of those transactions which occurred during the period from July 16, 1971, to August 14, 1971. The determination of the partnership profit margin is also made by combining the records of the four practicing dentists.

While the three new dentists individually could qualify as new providers of dental services, they in fact are bound by the partnership base price since the services provided by the partnershp cannot be determined to be new services under the stabilization regulations.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: July 7, 1972.

LEE H. HENKEL, Jr.,
Chief Counsel,
Internal Revenue Service.

Approved: July 7, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-10686 Filed 7-11-72;8:53 am]

[Price Commission Ruling 1972-215]

DETERMINATION OF BASE PRICE

Price Commission Ruling

Facts. X corporation, a manufacturer of product A contracted during the "freeze base period" (July 16 to August 14, 1971) to sell and deliver A to customers of the same class at 100 different prices from $1 to $1.99 per unit. The reason for the variety of prices was a shortage caused by the advent of a new technology during this period which created a large sudden demand for the limited amount of A available. The highest 10 percent of the units were contracted for at a price of $1.90 to $1.99. Of the negotiated contracts, some specified delivery after November 14, 1971.

Issue. (A) What is the base price of Product A?

(B) At what price may the manufacturer deliver Product A under contracts calling for delivery after November 13, 1971?

Ruling. (A) The base price for Product A is $1.90. Economic Stabilization Regulations, 6 CFR 300.405 (1972) provides that the base price with respect to the sale of personal property is the "highest price charged by the seller to a specific class of purchasers in a substantial number of transactions involving that personal property "during the freeze base period." Economic Stabilization Regulation, 6 CFR 300.5 (1972) defines "highest price in a substantial number of transactions" to mean the highest price at or above which at least 10 percent of the units were priced in transactions with any class of purchasers. Since 10 percent of the units were contracted for a price of $1.90 or higher, the base price is $1.90.

(B) Economic Stabilization Regulation, 6 CFR 300.101 (1972), provides that the price specified in any contract for the sale of personal property entered into before August 15, 1971, with respect to any delivery after November 13, 1971, shall be allowable if that contract price does not exceed that amount which would result in an increase in the person's profit margin over that prevailing during the base period. The manufacturer may charge the base price ($1.90) or may charge a higher price in accordance with the contract agreements. He may not charge more than the base price when it would cause him to exceed the base period profit margin limitation. He can deliver the product at less than base price in accordance with terms of the negotiated contracts.

This ruling supersedes Price Commission Ruling 1972-86, 37 F.R. 4371 (1972).

This ruling has been approved by the

General Counsel of the Price Commission.

Dated: July 7, 1972.

LEE H. HENKEL, Jr.,
Chief Counsel,
Internal Revenue Service.

Approved: July 7, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-10687 Filed 7-11-72;8:53 am]

[Price Commission Ruling 1972-216; Cost of Living Council Ruling 1972-77]

JOINT VENTURE

Price Commission and Cost of Living Council Joint Ruling

Facts. Company A and Company B each own a half interest in Company C, which they operate as a joint venture.

Issue. How is Company C to be treated for purposes of determining the proper price category of A and B and for filing and other price-control purposes?

Ruling. A "firm" includes any entity directly or indirectly controlled by the firm. 6 CFR 101.2 (1972). The proper category I, II, or III, as set forth in 6 CFR 101.11, 101.13, and 101.15, (1972), is determined by the amount of the firm's annual sales or revenues." Accordingly, C is part of both firm A and B. For purposes of determining their respective price categories, both firm A and B must include the entire "annual sales or revenues" of Company C.

Company A and Company B may agree on which of them will consider Company C to belong to it in its entirety for the purposes of filing for price increases, if required, and for the purposes of the profit margin limitation of Economic Stabilization Regulations §§ 300.12, 300.13, and 300.14, 6 CFR 300.12, 300.13, and 300.14 (1972). Company C, itself, is subject to the regulations applicable to the parent firm A or B, whichever claims it for purposes of filing and profit margin limitations.

This ruling has been approved by the General Counsels of the Price Commission and the Cost of Living Council.

Dated: July 7, 1972.

LEE H. HENKEL, Jr.,
Chief Counsel.

Approved: July 7, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-10688 Filed 7-11-72;8:52 am]

Office of the Secretary

[T.D.O. 151 (Rev. 3)]

DIRECTOR, BUREAU OF ALCOHOL, TOBACCO AND FIREARMS ET AL.

Delegation of Authority Regarding Authorization To Use Official Automobiles for Transportation Between Domiciles and Places of Employment

Pursuant to authorization given to me by Treasury Department Order No. 190 (Revision 7), there are delegated to the Director of the Bureau of Alcohol, Tobacco and Firearms, Commissioner of Customs, Commissioner of Internal Revenue, and Director of the U.S. Secret Service, with respect to employees of their respective organizations, the functions of the Secretary of the Treasury under section 5 of the Act of July 16, 1914, as amended (31 U.S.C. 638a), relating to the designation of employees authorized to use official automobiles for transportation between their domiciles and places of employment.

The functions herein delegated may be delegated to subordinates by each of the above officials in such manner as he shall direct.

The effective date of this order is July 1, 1972.

Dated: June 26, 1972.

[SEAL] WARREN F. BRECHT,
Assistant Secretary
for Administration.

[FR Doc.72-10654 Filed 7-11-72;8:48 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S-5137]

CALIFORNIA

Notice of Classification of Public Lands for Disposal by Exchange

JUNE 20, 1972.

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

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

Information concerning these public lands is available at the Ukiah District Office.

No adverse comments were received in response to the notice of proposed classification which was published May 18, 1972, in the FEDERAL REGISTER.

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

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

HUMBOLDT MERIDIAN

T. 1 S., R. 1 E.,
Sec. 5, SW¼NE¼, SE¼NW¼, NW¼NW¼;
Sec. 6, SE¼SW¼;
Sec. 7, E½NW¼;
Sec. 19, NE¼NW¼;
Sec. 32, W½SE¼, SE¼SE¼.
T. 2 S., R. 1 E.,
Sec. 33, SE¼SE¼.
T. 4 S., R. 1 E.,
Sec. 14, lot 1.
T. 3 S., R. 2 E.,
Sec. 22, NW¼NE¼.
T. 4 S., R. 2 E.,
Sec. 27, NW¼SE¼;
Sec. 30, SE¼NW¼.
T. 5 S., R. 2 E.,
Sec. 4, lot 5;
Sec. 8, SE¼SE¼;
Sec. 9, SW¼SW¼;
Sec. 17, SW¼NW¼;
Sec. 19, SE¼SE¼;
Sec. 23, S½NE¼, SW¼NW¼, NE¼SE¼;
Sec. 25, SW¼SW¼;
Sec. 26, SE¼NE¼.
T. 5 S., R. 2 E.,
Sec. 27, SW¼SW¼;
Sec. 28, S½NE¼, SW¼NW¼, W½SE¼;
Sec. 33, NE¼NW¼, SE¼SW¼;
Sec. 34, NW¼NW¼.
T. 4 N., R. 3 E.,
Sec. 7, lot 2;
Sec. 13, NW¼SW¼;
Sec. 24, NE¼NE¼.
T. 7 N., R. 3 E.,
Sec. 5, SE¼NE¼;
Sec. 10, SE¼NW¼.
T. 8 N., R. 3 E.,
Sec. 33, NW¼SW¼.
T. 1 S., R. 3 E.,
Sec. 4, SE¼NW¼.
T. 3 S., R. 3 E.,
Sec. 21, N½NE¼, SW¼NE¼;
Sec. 22, SW¼NW¼.
T. 5 S., R. 3 E.,
Sec. 10, NE¼SW¼;
Sec. 11, SW¼SW¼.
T. 1 N., R. 4 E.,
Sec. 1, SE¼SW¼;
Sec. 12, NE¼NW¼.
T. 2 N., R. 4 E.,
Sec. 1, lots 5, 6;
Sec. 2, lots 5, 6, 7, 8.
T. 6 N., R. 4 E.,
Sec. 19, SE¼SE¼;
Sec. 30, NE¼NE¼.
T. 7 N., R. 4 E.,
Sec. 7, lots 1, 6;
Sec. 18, NE¼NE¼.
T. 10 N., R. 4 E.,
Sec. 29, SE¼NE¼.
T. 9 N., R. 4 E.,
Sec. 7, lot 5.
T. 2 S., R. 4 E.,
Sec. 26, SW¼SE¼;
Sec. 35, NE¼SE¼.
T. 5 S., R. 4 E.,
Sec. 25, W½NW¼, NW¼SW¼;
Sec. 26, E½NE¼, NW¼NE¼, SW¼NW¼;
Sec. 27, SE¼NW¼, NE¼SW¼;
Sec. 32, SE¼NE¼, E½SE¼;
Sec. 33, NW¼NW¼.
T. 1 S., R. 5 E.,
Sec. 10, N½NE¼, NE¼NW¼;
Sec. 15, NW¼SW¼.
T. 2 S., R. 5 E.,
Sec. 25, SE¼SE¼.
T. 4 S., R. 5 E.,
Sec. 14, NW¼SE¼, SE¼SE¼.
T. 3 S., R. 6 E.,
Sec. 6, lot 1, SE¼NE¼;
Sec. 23, SW¼SW¼;
Sec. 33, NW¼NW¼.
T. 4 S., R. 6 E.,
Sec. 7, N½NE¼.
T. 1 S., R. 1 W.,
Sec. 10, NW¼NE¼;
Sec. 13, SW¼NW¼, W½SW¼.

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

MOUNT DIABLO MERIDIAN

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

Interested parties may submit comments to the Secretary of the Interior, LLM, 320, Washington, D.C. 20240, on or before August 17, 1972.

The above-described area contains 7,804.27 acres.

For the State Director.

MELVIN D. CLAUSEN,
District Manager.

[FR Doc.72-10605 Filed 7-11-72;8:47 am]

Office of the Secretary

ELMER S. HALL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of June 15, 1972.

Dated: June 15, 1972.

E. S. HALL.

[FR Doc.72-10606 Filed 7-11-72;8:45 am]

HUGH C. VAN HORN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of June 22, 1972.

Dated: June 22, 1972.

HUGH C. VAN HORN.

[FR Doc.72-10607 Filed 7-11-72;8:45 am]

DEPARTMENT OF COMMERCE

Office of Import Programs

PENNSYLVANIA STATE UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the February 24, 1972, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 72-00613-40-46040. Applicant: Pennsylvania State University, Department of Purchases, 219 Shields Building, University Park, Pa. 16802. Article: Electron microscope, Model JEM 100B. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in research programs in the study of metals, alloys, and ceramics. The types of phenomena which are to be studied are: (1) Effect of microstructural variation toughness and wear of hard metal, tool materials; (2) effect of production variables on high temperature properties of dispersion-strengthened composite materials; (3) microstructural variations during sintering of powder metal compacts; (4) precipitation and phase transformations in metals and alloys; (5) deformation substructure studies of materials; and (6) annealing phenomena in metals and ceramics. The article is also intended to be used in conjunction with undergraduate and graduate courses in materials science, mechanical properties of materials and fracture mechanics. These courses involved laboratory exercises and demonstrations in microstructures of metal alloys and ceramics, and diffraction methods. Application received by Commissioner of Customs: June 8, 1972.

Docket No. 72-00615-20-3750. Applicant: University of Massachusetts-Amherst, Department of Civil Engineering, Amherst, Mass. 01002. Articles: Model No. HAL/30/1A basic glass-sided tilting flow channel. Manufacturer: Armfield Engineering, Ltd., United Kingdom. Intended use of article: The article is intended to be used to determine the flow rates, flow velocities, and flow depths of water. Experimental areas of research include: (i) Uniform steady flow of water in an inclined rectangular channel; (ii) nonuniform steady flow of water into, through, and around obstacles; (iii) transport of sediment (e.g. sand) by flowing water; (iv) unsteady flow of water under various conditions in an inclined channel; (v) wave motion and travel in a horizontal channel; (vi) wave interaction with structures and beaches; (vii) wave-induced transport of sediment; (viii) fluid drag as determined by towing techniques.

The article will also be an instrument for instruction in the following courses:

(i) Elementary Fluid Mechanics (CE 257).
(ii) Fluid Mechanics Laboratory (CE 258).
(iii) Engineering Hydraulics (CE 260).
(iv) Open Channel Flow (CE 261).
(v) Hydraulic Similitude (CE 357).
(vi) Water Resources Engineering (CE 362).
(vii) Introduction to Hydrodynamics (CE 556).
(viii) Engineering Oceanography (CE 559).
(ix) Ocean Wave Theory (CE 752).
(x) Coastal Engineering (CE 764).

Application received by Commissioner of Customs: June 9, 1972.

Docket No. 72-00616-33-46040. Applicant: Howard University, 2400 Sixth Street NW., Washington, DC 20001. Article: Electron microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in the following current and projected research projects:

1. The fine structure of cross section of hair from several different strains of rats. This study will be correlated with surface structures seen with the scanning electron microscope.

2. The ultrastructure of skin from the ear of the newborn rat as compared with that of the footpad.

3. Ultrastructural characteristics of several different protozoa including Spirostomum, Telotrichidium and Vorticella.

4. The fine structure of brine shrimp eggs before and immediately after development begins.

5. The study of stereo electron micrographs of nuclear symbients isolated from protozoa, particularly Spirostomum.

The article will also be used in a course entitled Advanced Cytology to train students in the fundaments of electron microscopy from tissue preparation through micrograph interpretation. Application received by Commissioner of Customs: June 12, 1972

Docket No. 72-00617-00-46040. Applicant: National Institute of Dental Research, Building 30, Bethesda, Md. 20014. Article: Universal camera with magazines and counting drive. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used for studies concerned with the examination of various tissues and synthetic materials to determine the following: (1) Changes in the functional state of secretory cells following exposure to various experimental procedures; (2) intercellular junctions in vertebrate and nonvertebrate tissues; and (3) the chemical nature and morphology of the various mineral phases in bones and teeth. Application received by Commissioner of Customs: June 12, 1972.

Docket No. 72-00589-33-46500. Applicant: U.S. Veterans Administration Hospital, G.P.O. Box 4867, San Juan, PR 00936. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: This article is intended to be used in electron microscopy studies of kidney, liver, and jejunal biopsies from hospitalized patients done exclusively for diagnostic and educational purposes, the objectives of which are the identification and interpretation of ultrastructural changes in various disease processes of liver and kidneys. Application received by Commissioner of Customs: May 30, 1972.

SETH M. BODNER,
Director, Office of Import Programs.

[FR Doc.72-10653 Filed 7-11-72;8:48 am]

UNIVERSITY OF CHICAGO ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the February 24, 1972, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 72-00557-75-46070. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, IL 60439. Article: Scanning electron microscope, Model Mark 2A. Manufacturer: Cambridge Scientific Instrument, Ltd., United Kingdom. Intended use of article: The article is intended to be used in the study of various radioactive fuels and structural materials pertinent to specific investigations, namely:

(a) Fission product distributions in the fuel materials as a function of burnup and their temperature-dependent migration.

(b) Attack of the fission products on the cladding materials, like caesium corrosion.

(c) Attack of the bonding material sodium on the cladding materials.

(d) Depletion and migration of some alloy components from the claddings to the fuel pins by formation of interfacial layers and intermetallic phases.

(e) Fracture mode of the cladding materials and estimation of ductile brittle transition of the materials as a function of stress, temperature, and fluence.

(f) Void formation and their distribution in the structural materials. Application received by Commissioner of Customs: May 16, 1972.

Docket No. 72-00614-01-78000. Applicant: Rutgers University, The State University, School of Chemistry, University Heights Campus, Piscataway Township, New Brunswick, N.J. 08903. Article: Fourier Spectrophotometer, Model FS 720. Manufacturer: Beckman-RIIC, Ltd., United Kingdom. Intended use of article: The article is intended to be used in conjunction with an infrared spectrometer in the following research projects:

1. Taking high-resolution spectra in the far infrared region 10-500 cm^{-1}.

2. High-resolution study of OsO_4 and cyclohexane as well as development of new optical materials and accessories for the far infrared range.

3. Complete vibrational analysis of aromatic aldehydes and ketones in connection with theoretical and experimental work on electronic spectra in which failure of the Born-Oppenheimer Approximation becomes important.

4. Examination of the far infrared spectra of a wide variety of metal-organic compounds, mainly of Fe and Sn.

5. Far infrared studies of metal-containing systems and inorganic models.

6. Complete vibrational and conformational analysis of a wide variety of organic molecules, including n-paraffins, olefins, alkyl halides, cyclic and polycyclic compounds.

Research and usage of the instrument will be an integral part of the educational process for many students majoring in chemistry at the B.S. level and for many M.S. and Ph. D. candidates it will form an integral part of their thesis work. Application received by Commissioner of Customs: June 8, 1972.

SETH M. BODNER,
Director, Office of Import Programs.

[FR Doc.72-10652 Filed 7-11-72;8:47 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 72-127N]

NATIONAL OFFSHORE OPERATIONS INDUSTRY ADVISORY COMMITTEE TO THE MARINE SAFETY COUNCIL

Notice of Open Meeting

This is to give notice pursuant to Executive Order 11671, section 13(a), dated June 5, 1972, that the National Offshore Operations Industry Advisory Committee to the Marine Safety Council, U.S. Coast Guard, will conduct an open meeting on Thursday, July 13, 1972, at the St. Francis Hotel, Union Square, San Francisco, Calif., beginning at 9 a.m. in the Elizabethan D Room.

Members of the Committee and their industry positions are as follows:

Mr. Roy T. Sessums, Chairman, Vice President, Freeport Sulphur Co.
Mr. H. E. Denzler, Jr., Secretary, Assistant to Vice President-Production, Chevron Oil Co.
Mr. H. W. Bailey, Executive Vice President, J. Ray McDermott & Co., Inc.
Mr. E. O. Bell, Division Producing Manager, Mobil Oil Corp.
Mr. Ralph F. Cox, Resident Manager, North American Producing Division, Alaska Region, Atlantic Richfield Co.
Mr. H. T. Finney, Manager of Operations, Pacific Coast Division, Union Oil Co. of California.
Mr. Robert E. France, Manager, Producing Department, Southern Division, Standard Oil Co. of California.
Mr. William M. House, Manager, Northwest Division, Signal Oil and Gas Co.
Mr. H. T. Hunter, Amoco Production Co., Assistant Division Production Manager.
Mr. Alden J. Laborde, President, Ocean Drilling & Exploration Co.
Mr. John P. Laborde, President, Tidewater Marine Service, Inc.
Mr. B. V. Pearson, General Manager, Coastal Division, Shell Oil Co.
Mr. J. W. Pittman, Special Advisor for Environmental and Governmental Affairs, Halliburton Services.
Mr. J. W. Russell, Jr., Santa Barbara Production Superintendent, Phillips Petroleum Co.
Mr. Jon M. Thacker, District Production Manager, Gulf Oil Corp.

The agenda for the July 13 meeting consists of the following:

1. Call to order and introductions.
2. Committee functions.
3. Opening remarks by Commandant.
4. Report of Subcommittee on Manning, Licensing, and Stability.
5. Report of Subcommittee on Mobile Drilling Units.

6. Remarks by Coast Guard on IMCO and discussion of international operations.
7. Report of Subcommittee on Law of the Sea Conventions.
8. Report of Subcommittee on Offshore Operations Safety.
9. Discussion of Occupational Safety and Health Act.
10. Discussion of transportation of flammable, combustible, and hazardous material.
11. Report of Subcommittee on Environmental Affairs.
12. Coast Guard Pollution Control Program.
13. Discussion of regulation procedures.
14. Other subjects of interest.
15. Report of Committee on Location of next meeting.
16. Report of Nominating Committee.
17. Election of Officers.
18. Adjournment.

The Treasury Department first established the National Offshore Operations Advisory Panel on December 15, 1959, "to act as an advisory body [to the Coast Guard] on matters concerning Continental Shelf Safety including, but not limited to, fairways, sealanes and offshore drilling operations." The Secretary of Transportation, on June 11, 1971, (1) revised the title of the National Offshore Operations Advisory Panel to read National Offshore Operations Industry Advisory Committee, retaining the above-quoted purpose, and (2) reestablished the Committee for the 2-year period ending June 30, 1973. The Secretary of Transportation approved members for the Committee and the Commandant, U.S. Coast Guard, sent letters of appointment to the members listed in this document on June 12, 1972. Members of the Committee serve without compensation from the Federal Government, either travel or per diem. Interested persons may request additional information concerning the July 13 meeting and other matters relating to the National Offshore Operations Industry Advisory Committee [pursuant to Executive Order 11671, sec. 9(3), dated June 5, 1972] from Capt. D. H. Clifton, Executive Secretary, Marine Safety Council, U.S. Coast Guard Headquarters (GCMC/82), 400 Seventh Street SW., Washington, DC 20590, or by calling 202—426-1477.

Dated: July 7, 1972.

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

[FR Doc.72-10741 Filed 7-11-72;8:53 am]

Federal Aviation Administration

AIRCRAFT ENGINEERING DISTRICT OFFICE AT SAN DIEGO, CALIF.

Notice of Closing

Notice is hereby given that, on or about July 11, 1972, the Aircraft Engineering District Office at San Diego, Calif., will be closed. Services to the aviation public of Imperial and San Diego Counties, formerly provided by this office, will be provided by the Aircraft Engineering District Office in Long Beach, Calif. Services to the aviation public of the State of Arizona, formerly provided by this office, will be provided by the Aircraft Engineering District Office in Los Angeles, Calif. This information will be reflected in the FAA Organization Statement the next time it is reissued.

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

Issued in Los Angeles, Calif., on July 3, 1972.

ARVIN O. BASNIGHT,
Director, Western Region.

[FR Doc.72-10602 Filed 7-11-72;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

Notice of Availability of Final Detailed Statement on Environmental Considerations

Pursuant to the National Environmental Policy Act of 1969 and the regulations of the Atomic Energy Commission (Commission) in 10 CFR Part 50, Appendix D, notice is hereby given that a Final Detailed Statement on Environmental Considerations (entitled "Final Environmental Statement Related to Operation of Vermont Yankee Nuclear Power Station") dated July 1972, related to the proposed licensing of full-power operation by the Vermont Yankee Nuclear Power Corp. of the Vermont Yankee Nuclear Power Station located in Vernon, Windham County, Vt., has been prepared by the designee of the Commission's Director of Regulations and has been made available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Brooks Memorial Library, 224 Main Street, Brattleboro, VT 05301. The final detailed statement is also being made available at the Planning and Community Services Agency, State Office Building, Montpelier, Vt. 05602, and at the Windham Regional Planning Commission, 67 Main Street, Brattleboro, VT 05301. This final detailed statement supersedes the statements for which notices of availability were published in the FEDERAL REGISTER on February 26, 1971 (36 F.R. 3539) and June 9, 1971 (36 FR 11122).

Notices of availability of the licensee's Environmental Report and Supplement thereto were published in the FEDERAL REGISTER on September 26, 1970 (35 F.R. 15026) and on February 3, 1972 (37 F.R. 2601), respectively. A notice relating to the availability of the Commission's Draft Detailed Statement on Environmental Considerations was published in the FEDERAL REGISTER on April 14, 1972 (37 F.R. 7423). Comments received on the Draft Detailed Statement have been included as appendices to the final detailed statement.

Single copies of the final detailed statement may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 7th day of July 1972.

For the Atomic Energy Commission.

ROGER S. BOYD,
Assistant Director for Boiling Water Reactors, Directorate of Licensing.

[FR Doc.72-10743 Filed 7-11-72;8:54 am]

ENVIRONMENTAL PROTECTION AGENCY

ELANCO PRODUCTS CO.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 2F1278) has been filed by Elanco Products Co., Post Office Box 1750, Indianapolis, IN 46206, proposing establishment of a tolerance (40 CFR Part 180) for negligible residues of the herbicide isopropalin (2,6-dinitro-*N,N*-dipropylcumidine) in or on the raw agricultural commodity peppers at 0.05 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a gas chromatography procedure with an electron affinity detector.

Dated: July 6, 1972.

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

[FR Doc.72-10631 Filed 7-11-72;8:50 am]

ISOPROPYL 4,4'-DIBROMOBENZILATE

Notice of Reextension of Temporary Tolerance

Geigy Agricultural Chemicals, Division of CIBA-GEIGY Corp., Ardsley, N.Y. 10502, was granted a temporary tolerance of 5 parts per million for residues of the insecticide isopropyl 4, 4'-dibromobenzilate in or on the raw agricultural commodity group citrus fruit on May 21, 1969 (notice was published in the FEDERAL REGISTER of May 30, 1969 (34 F.R. 8373)). At the request of the firm, the temporary tolerance was extended for another year starting on October 1, 1970 (notice was published in the FEDERAL REGISTER of December 3, 1970 (35 F.R. 18411)).

The firm has requested an additional 1-year reextension to obtain additional experimental data.

It is concluded that such reextension will protect the public health. A condition under which the temporary tolerance is reextended is that the insecticide be used in accordance with the temporary permits which are being issued concurrently by the Environmental Protection Agency and which provide for distribution under the Geigy Agricultural Chemicals name.

As reextended, this temporary tolerance expires July 6, 1973.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (35 F.R. 9038).

Dated: July 6, 1972.

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

[FR Doc.72-10632 Filed 7-11-72;8:51 am]

3,5-DICHLORO-*N*-(1,1-DIMETHYL-2-PROPYNYL)BENZAMIDE

Notice of Reextension of Temporary Tolerances

The Rohm and Haas Co., Independence Mall West, Philadelphia, Pa. 19105, was granted temporary tolerances for residues of the herbicide 3,5-dichloro-*N*-(1,1-dimethyl-2-propynyl) benzamide and its metabolites calculated as 3,5-dichloro - *N* - (1,1-dimethyl-2-propynyl) benzamide in or on the raw agricultural commodities alfalfa, clover, lespedeza, trefoil, and vetch at 3 parts per million; lettuce at 1 part per million; kidney and liver at 0.2 part per million (negligible residue); and milk at 0.01 part per million (negligible residue) on August 29, 1969 (notice was published in the FEDERAL REGISTER of September 9, 1969 (34 F.R. 14133)). At the request of the firm, the temporary tolerances were extended to August 29, 1971 (notice was published in the FEDERAL REGISTER of November 17, 1970 (35 F.R. 17678)).

Subsequently, the firm amended the petition by (a) withdrawing the proposed tolerance on lespedeza; (b) specifying that the temporary tolerance of 0.2 part per million for negligible residues in kidney and liver apply to cattle and poultry; (c) proposing temporary tolerances for negligible residues of the herbicide in eggs, meat, fat, and meat byproducts (except kidney and liver) of cattle and poultry at 0.01 part per million; and (d) requesting a 1-year extension to obtain additional experimental data (notice was published in the FEDERAL REGISTER of December 22, 1971 (36 F.R. 24237)).

The firm, in order to obtain additional experimental data, has requested a third extension of the temporary tolerances on alfalfa, clover, trefoil, and vetch at 3 parts per million; kidney and liver of cattle and poultry at 0.2 part per million (negligible residue); and milk at 0.01 part per million (negligible residue) and a reextension of the temporary tolerances for negligible residues in eggs, meat, fat, and meat byproducts (except kidney and liver) of cattle and poultry at 0.01 part per million.

A tolerance of 2 parts per million was established for residues of the herbicide on lettuce (notice was published in the FEDERAL REGISTER of May 11, 1972 (37 F.R. 9483)); consequently, lettuce has been deleted from this extension of temporary tolerances.

It is concluded that such extension and reextension will protect the public health. A condition under which these temporary tolerances are extended and reextended is that the herbicide will be used in accordance with the temporary permit which is being issued concurrently by the Environmental Protection Agency and which provides for distribution under the Rohm & Haas Co. name.

As extended and reextended, these temporary tolerances expire January 31, 1973.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038).

Dated: July 6, 1972.

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

[FR Doc.72-10633 Filed 7-11-72;8:51 am]

SHELL CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 2F1281) has been filed by Shell Chemical Co., Division of Shell Oil Co., 1700 K Street NW., Washington, DC 20006, proposing establishment of a tolerance (40 CFR Part 180) for residues of the insecticide 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate in or on the raw agricultural commodity alfalfa at 110 parts per million.

The analytical method proposed in the petition for determining residues of the insecticide is a gas-liquid chromatographic procedure using a phosphorous-sensitive thermionic emission detector.

Dated: July 6, 1972.

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

[FR Doc.72-10634 Filed 7-11-72;8:51 am]

PROPOSED IMPLEMENTATION PLAN REGULATIONS

Notice of Public Hearings

On June 15, 1972 (37 F.R. 11914), notice was published setting forth dates, times, and places for public hearings on proposed regulations to correct deficiencies in State implementation plans under the Clean Air Act. Notice is hereby given that the public hearings previously scheduled to be held with reference to proposed regulations applicable in the State of Massachusetts have been canceled and new public hearings are scheduled as follows:

July 19 at 2:30 p.m., Public Health Auditorium, Public Health Building, University of Massachusetts, Amherst, Mass. Hearing officer: Thomas Bracken.

July 21 at 10 a.m., Gardner Auditorium, State House, Boston, Mass. Hearing officer: Richard Johnson.

The above hearings will be held as joint hearings with the State of Massachusetts.

Dated: July 7, 1972.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.72-10674 Filed 7-11-72;8:50 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 72-449]

NATIONAL INDUSTRY ADVISORY COMMITTEE (NIAC)

Notice of Two Year Extension

JUNE 14, 1972.

The National Industry Advisory Committee (NIAC), organized under Executive Order 11007 to advise and assist the Commission in matters relating to emergency communications, has been extended for 2 years. The action by the Commission continues the Committee until June 30, 1974.

Membership in NIAC is restricted by Executive Order 11007 to "individuals actively engaged in operations in the particular industry concerned." Those selected for continuation as members of NIAC will be notified by separate letters from Defense Commissioner Charlotte T. Reid, as will those who have been members of subcommittees which are being reorganized or being discontinued. Those no longer eligible to serve under Executive Order 11007 will also be notified by individual letters. Separate memoranda will be sent to the chairman and vice chairmen of the State Industry Advisory Committees notifying them of extensions of their appointments.

Made up of broadcasters and industrial users of communications, NIAC was first organized in 1958 by the FCC to develop plans for use in specific fields of industry covering a broad range of emergency contingencies affecting the safety of life and property. NIAC operates at national, State, and local levels to prepare emergency communications plans, systems, and procedures.

Operating on the national level, under the Commission and the FCC's Defense Commissioner, NIAC has special working groups that make specific studies of emergency communications problems affecting all licensed and regulated communications services. Recommendations are submitted to the Commission for action.

The individual States and territories have State industry advisory committees

that are directly concerned with the problems and requirements of the individual States and see to it that the necessary information reaches the local working level.

Action by the Commission May 24, 1972.[1]

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

[FR Doc.72-10651 Filed 7-11-72;8:51 am]

FEDERAL POWER COMMISSION

[Docket No. CS 72-1179 etc.]

SAXON OIL CO. ET AL.

Notice of Applications for "Small Producer" Certificates [1]

JUNE 30, 1972.

Take notice that each of the applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 27, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be necessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No.	Date filed	Name of applicant
CS72-1179..	6-19-72	Saxon Oil Co., Post Office Box 82, Midland, TX 79701.
CS72-1180..	6-19-72	Oppenheimer Oil & Gas, Inc., Suite 207 Ridglea State Bank Fort Worth, TX 76116.
CS72-1181..	6-21-72	Gordon Oil Co., Inc., Box 1660, Sherman, TX 75090.
CS72-1182..	6-19-72	Chaparral Production, Inc., Post Office Box 1222, Oklahoma City, OK 73101.
CS72-1183..	6-15-72	Barbara Price Mayhew, 1944 Whitley, Apartment 314, Hollywood, CA 90028
CS72-1184..	6-19-72	A. O. Bullock and Walter F. Kant, Post Office Box 821, Casper, WY 82601.
CS72-1186..	6-21-72	B. W. Vinson, 1909 First National Bldg., Tulsa, OK 74103.

[FR Doc.72-10502 Filed 7-11-72;8:45 am]

FEDERAL RESERVE SYSTEM

BANK SECURITIES, INC.

Order Approving Acquisition of Bank

Bank Securities, Inc., Alamogordo, N. Mex., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of First National Bank of Roswell, Roswell, N. Mex. (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fourth largest banking organization and third largest multibank holding company in New Mexico controls seven banks with aggregate deposits of $120.6 million, representing 6.6 percent of total deposits of commercial banks in the State. (All banking data are as of December 31, 1971, and reflect bank holding company formations and acquisitions approved through May 31, 1972.) Upon acquisition of Bank ($40.7 million of deposits) Applicant's share of deposits in the State would increase by 2.2 percentage points and its present ranking would remain unchanged.

Bank, the largest of three banks in Roswell, N. Mex., operates six banking offices in Roswell and adjacent communities and controls approximately 44 percent of total deposits in commercial banks in Chaves County, N. Mex., which approximates its banking market. The second and third largest banks in this market, are subsidiaries of the first and third largest multibank holding companies operating in the State.

Applicant's acquisition of Bank would constitute its initial entry into the market, and its subsidiary banking office closest to Bank is located approximately 54 miles south of Bank. No competition exists between Bank and any of Applicant's subsidiary banks, nor does it appear likely that such competition would develop in the future in the light of the distances separating Bank from Applicant's subsidiaries, the State's restrictive branching laws, and the low population densities in the areas involved. Entry de novo by Applicant also appears unlikely in view of the static economic conditions in the Roswell area. Consummation of the proposal herein would neither eliminate any meaningful existing competition nor foreclose significant potential competition.

The Board notes that Applicant's rapid expansion program (acquisition of seven banks since 1967) has, in part, been responsible for creating a strain on Applicant's overall financial and managerial resources. Since a number of banks acquired were experiencing asset, capital and management difficulties, it has been necessary for Applicant to provide management and financial assistance to these banks. Applicant's efforts to improve these conditions have not, as yet, been successful and it is likely that significant additional assistance will be required.

Applicant has been providing needed capital and management assistance to Bank which has experienced both financial and mangement difficulties during the past few years. Declining economic conditions in the late 1960's in the Chaves County area and loan losses suffered by Bank have contributed to its present condition. Additional assistance is necessary to permit Bank to continue serving the Chaves County area as a viable financial institution. Applicant has expressed its willingness to continue to assist Bank through increased contribution of managerial and financial resources. Its proposal to make an immediate contribution of capital to Bank upon consummation of the proposal herein will provide Bank with needed resources, however, the need for additional assistance in the future also appears likely. In the light of Applicant's past record of assistance to Bank and the fact that no other banking organization has indicated a willingness to provide such assistance, the Board views this proposal as the most appropriate means presently available to eliminate Bank's operating difficulties without creating serious anticompetitive consequences in the Chaves County banking market. Therefore, financial and managerial considerations, as they relate to Applicant, its subsidiary banks and Bank lend significant weight toward approval of the application.

Although it does not appear that any needs of the banking public and Bank's market are going unserved, to the extent Applicant is able to provide additional specialized services through Bank, as a

[1] Commissioners Burch (Chairman), Bartley, Robert E. Lee, H. Rex Lee, and Wiley, with Commissioner Johnson concurring in part and dissenting in part and issuing a statement, and Commissioner Reid issuing a reply statement. Statements filed with original document.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

more competitive force in the Chaves County market, convenience and needs considerations are consistent with approval. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[1] effective July 5, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.72-10638 Filed 7-11-72;8:46 am]

CHEYENNE COUNTY INVESTMENT CO., INC.

Order Approving Formation of Bank Holding Company

Cheyenne County Investment Company, Inc., St. Francis, Kans., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 100 percent (less directors' qualifying shares) of the voting shares of the Cheyenne County State Bank, St. Francis, Kans. (Bank).

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant is a nonoperating corporation formed for the purpose of acquiring Bank which has aggregate deposits of approximately $4.8 million. (All banking data are as of December 31, 1971.) Since Applicant has no present operations or subsidiaries, consummation of the proposal would not adversely affect existing or potential competition, nor have an adverse effect on any bank in the area.

Applicant has made a tender offer to the principal shareholder of Bank, while making an exchange offer to minority shareholders who are all officers or directors of the bank and include Applicant's principal executive officer and shareholder. These individuals have all accepted the offer and, although the offers are not identical, they are substantially equivalent.

Applicant's financial resources and future prospects are dependent upon those of Bank. Its projected earnings appear to be sufficient to service the debt which it will incur upon consummation of the proposed transaction without adversely affecting Bank's capital structure. These considerations are consistent with approval of the application. Consummation of the proposed transaction would ensure continuation of local ownership and management of Bank, and considerations relating to the financial and managerial resources and future prospects of Bank thus weigh toward approval of the application. Considerations relating to the convenience and needs of the communities to be served are consistent with approval of the application. It is the Board's judgment that the transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transactions shall not be consummated (a) before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[1] effective July 5, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.72-10639 Filed 7-11-72;8:46 am]

CODY AGENCY, INC.

Order Approving Formation of Bank Holding Company and Retention of Cody Insurance Agency

Cody Agency, Inc., Lincoln, Nebr., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of Bank of Cody, Cody, Nebr. (Bank).

At the same time applicant has applied for the Board's approval under section 4(c)(8) of the Act and §225.4(b)(2) of the Board's Regulation Y to continue to engage in insurance agency activities by retaining the assets of the Cody Insurance Agency, Cody, Nebr. (Agency).

Notice of receipt of the applications has been given in accordance with sections 3 and 4 of the Act, and the time for filing comments and views has expired. The Board has considered the applications and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)), and the considerations specified in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and finds that:

Applicant's sole business activity is operating Agency. Bank is the only bank in a community of less than 250 people. Bank has deposits of $2.2 million and is the fourth largest of five banks in the Cherry County banking market, controlling approximately 9 percent of deposits in commercial banks in that market.[1] Since the transaction involves only a change from individual to corporate ownership, consummation of the proposal will have no adverse effects on existing or potential competition.

The financial and managerial resources and future prospects of Applicant and its existing subsidiary are consistent with approval. Although Applicant will incur considerable debt in acquiring Bank, its income from Bank and Agency will provide sufficient revenue to adequately service the debt. In addition, applicant's acquisition of Bank will assure continued operation of the only bank in Cody. Accordingly, considerations relating to the convenience and needs of the community to be served, with respect to the acquisition of Bank, lend weight toward approval. It is the Board's judgment that consummation of the transaction would be in the public interest and that the application to acquire Bank should be approved.

Agency is the only insurance agency in the town of Cody and primarily sells casualty insurance. Acting as a general insurance agent or broker in a community of less than 5,000 people is an activity that the Board has previously determined by regulation to be closely related to banking (12 CFR 225.4(a)(9)).

There is no evidence in the record indicating that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects on the public interest. It appears that the operation of Agency in conjunction with Bank will insure the continuation of both banking and insurance agency services in Cody. Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider regarding the retention of Agency under section 4(c)(8) is favorable and that the application should be approved.

On the basis of the record, the applications to acquire Bank and to continue to engage in insurance agency activities are approved for the reasons summarized above. The acquisition of Bank shall not be consummated: (a) Before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority. The determination as to Agency's activities is subject to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the

[1] Voting for this action: Vice Chairman Robertson and Governors Daane, Brimmer, Sheehan, and Bucher. Absent and not voting: Chairman Burns and Governor Mitchell.

[1] Voting for this action: Vice Chairman Robertson and Governors Daane, Brimmer, Sheehan, and Bucher. Absent and not voting: Chairman Burns and Governor Mitchell.

[1] All banking data are as of Dec. 31, 1970.

provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[2] effective July 5, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.72-10640 Filed 7-11-72;8:46 am]

OFFICE OF EMERGENCY PREPAREDNESS

WEST VIRGINIA

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 July 3, 1972, the President declared a major disaster as follows:

I have determined that the damages in certain areas of the State of West Virginia from severe storms 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 West Virginia. 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. Richard E. Sanderson, Regional Representative, OEP Region 3, 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 areas in the State of West Virginia to have been adversely affected by this declared major disaster:

The counties of:

Brooke.
Barbour.
Berkeley.
Greenbrier.
Hampshire.
Hancock.
Hardy.
Jefferson.
Marshall.
Monongalia.
Monroe.
Morgan.
Ohio.
Preston.
Wetzel.

Dated: July 6, 1972.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.72-10608 Filed 7-11-72;8:49 am]

[2] Voting for this action: Vice Chairman Robertson and Governors Daane, Brimmer, Sheehan, and Bucher. Absent and not voting: Chairman Burns and Governor Mitchell.

PRICE COMMISSION

ADVERTISING RATES OF RADIO AND TELEVISION STATIONS

The Price Commission has determined that, as a general practice in the broadcasting industry, the money spent by advertisers is distributed among competing stations. In effect, advertising dollars move away from programs losing audience to programs gaining audience. This movement results in decreases and increases in the per-minute cost to the advertiser within the respective programs. These movements can take place without raising the average price of a commercial position on all programs combined—the price decrease on the loser offsets the price increase on the gainer. This adjustment process tends to be automatic. Advertisers' demands for a commercial position on the losing programs tend to be relatively less intense than their demand for commercial positions on the gaining program, thereby tending to drive down prices on losing programs and pushing up prices on programs of wider audience appeal. A price scheme that prohibits some flexibility of this nature may, in effect, lower the average price for broadcast advertising by preventing one part of the adjustment process. In general practice, most firms have used the cost per thousand (CPM) concept in audience size to determine their advertising fees. The advertising base period rate or CPM is expressed in terms of X dollars per 1,000 listeners or viewers. The base period rate times the present audience size becomes the fee for the time unit or program involved.

In consideration of the foregoing, it is the opinion of the Commission that advertising charges determined on the above-described basis will not be considered to be in violation of the Commission's regulations, if audience size is consistently and appropriately applied from an independent audience survey and, if audience size is used for the purpose of increasing advertising fees, it is also used in lowering fees or charges where warranted. Prices charged in conformance with this paragraph will not be considered to be price increases for the purposes of §§ 300.5, 300.14, 300.51, or 300.52 of the Commission's regulations.

In addition, the base period rate per 1,000 in audience size may be increased only to reflect increases in allowable costs and only to the extent that the increase does not result in an increase in the firm's profit margin, as provided in the Commission's regulations.

This notice does not apply to any person engaged in broadcasting which has not, as a customary practice, up to the date of this notice, been using the CPM method to determine advertising fees.

Issued in Washington, D.C. on July 7, 1972, by direction of the Commission.

BERT LEWIS,
Executive Director,
Price Commission.

[FR Doc.72-10758 Filed 7-11-72;8:54 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

ACCURATE CALCULATOR CORP.

Order Suspending Trading

JUNE 29, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.91 par value, of Accurate Calculator Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 3:30 p.m. on June 29, 1972, through July 8, 1972.

By the Commission.

[SEAL] GLADYS E. GREER,
Assistant Secretary.

[FR Doc.72-10611 Filed 7-11-72;8:45 am]

[File No. 500-1]

CANADIAN JAVELIN, LTD.

Order Suspending Trading

JUNE 29, 1972.

The common stock, no par value, of Canadian Javelin, Ltd., being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such security on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15 (c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for

the period from July 5, 1972 through July 14, 1972.

By the Commission.

[SEAL] GLADYS E. GREER,
Assistant Secretary.

[FR Doc.72-10614 Filed 7-11-72;8:45 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JUNE 29, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10-cent par value, of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 4, 1972 through July 13, 1972.

By the Commission.

[SEAL] GLADYS E. GREER,
Assistant Secretary.

[FR Doc.72-10615 Filed 7-11-72;8:45 am]

[File No. 24 NY 7145]

DSI DESIGNCARD SERVICES, INC.

Order Permanently Suspending Exemption

JUNE 29, 1972.

I. DSI Designcard Services, Inc. (DSI), is a New York corporation located at 350 Fifth Avenue, New York, NY. On June 19, 1970, it filed a notification in the New York Regional Office pursuant to Regulation A in connection with a proposed offering of 100,000 shares of its $0.01 par value common stock at $3 per share. The offering was to be conducted by S.M. Securities Corp. as underwriter on a best efforts "one-half or none" basis. The notification became effective on October 15, 1970.

According to the offering circular DSI was to engage in the business of interior decorating and interior design.

II. The Commission, on January 26, 1972, issued an order pursuant to Rule 261 of Regulation A temporarily suspending the Regulation A exemption of DSI. On February 24, 1972, DSI filed, pursuant to Rule 7 of the Commission's rules of practice, an answer to the charges set forth in the temporary suspension order and requested a hearing with respect to these charges. Subsequent to their request for a hearing DSI submitted an offer of settlement pursuant to Rule 8 of the Commission's rules of practice. Under the terms of the offer, the issuer waived all evidentiary hearings pursuant to Rule 261 of Regulation A and post-hearing procedures pursuant to Rules 16 and 17 of the Commission's rules of practice and any judicial review and without admitting or denying the allegations in the temporary suspension order, consented to certain findings as alleged in the order and to the entry of a permanent suspension order.

After due consideration of the offer of settlement and upon the recommendation of the staff, the Commission determined to accept the offer.

On the basis of the temporary suspension order and the offer of settlement it is found that:

A. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statement made, in light of the circumstances under which they were made, not misleading with respect to the following:

1. The offering circular fails to state material facts concerning the proposed use of proceeds, in particular that a portion of the net proceeds of the offering would be used to pay the expenses of a prior registration statement filed by the issuer, pursuant to the Securities Act of 1933, which was withdrawn.

Accordingly, it is ordered, Pursuant to Rule 261 of Regulation A under the Securities Act of 1933, that the exemption from registration with respect to the above public offering of securities by DSI be, and hereby is permanently suspended.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-10616 Filed 7-11-72;8:46 am]

[812-3190]

FEDERAL STREET FUND, INC.

Notice of Filing of Application for an Order Exempting a Sale by an Open-End Company of its Securities at Other Than Public Offering Price

JULY 3, 1972.

Notice is hereby given that Federal Street Fund, Inc. (Applicant), 225 Franklin Street, Boston, MA 02110 a Massachusetts corporation registered under the Investment Company Act of 1940 (Act) as an open-end diversified management investment company, has filed an application pursuant to section 6(c) of the Act requesting an order of the Commission for exemption from the provisions of section 22(d) of the Act which, in pertinent part, prohibit a registered investment company from selling any redeemable security issued by it to any person except either to or through a principal underwriter for distribution at a current public offering price described in the prospectus. Section 22(d) would prevent Applicant, which does not have a prospectus describing a current offering price, from acquiring assets of Cullman Bros., Inc. (Cullman) in exchange for the shares of Applicant. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Applicant states that Cullman, a New York corporation, was organized in 1922, and until 1964 operated as a grower, packer and dealer in leaf tobacco. In 1964 Cullman sold its leaf tobacco operation and since that time has operated and is currently operating as a private investment company holding principally securities, cash, and cash items. At the present time Cullman has 8 shareholders, is a personal holding company for Federal income tax purposes, and is subject to Federal and New York corporate income taxes. Applicant asserts that Cullman is excepted from the definition of an investment company by reason of section 3(c)(1) of the Act.

On May 16, 1972, Applicant and Cullman entered into an Agreement and Plan of Reorganization (Agreement) whereby substantially all the assets of Cullman are to be transferred to Applicant in exchange for shares of Applicant's common stock. Pursuant to the Agreement, the number of Applicant's shares to be delivered to Cullman shall be determined on the valuation date, as defined in the Agreement, by dividing the aggregate value of the gross assets of Cullman to be transferred to Applicant, reduced by 5 percent of the value of 265,162 shares of the common stock of Philip Morris Inc. (Philip Morris) which are held by Cullman and which are to be transferred to Applicant, by the net asset value per share of Applicant.

It is contemplated by, but is not a requisite condition of, the Agreement that, prior to the closing date, The Second Federal Street Fund, Inc. (Second Federal), also a Massachusetts corporation registered under the Act as an open-end diversified management investment company, with net assets as of April 30, 1972 of $84,005,453 will be merged into Applicant. One of the consequences of said merger, should the required approval by the shareholders of both Second Federal and Applicant be obtained, is that outstanding shares of Applicant will be split 3 for 1.

Among other conditions precedent to the acquisition of the assets of Cullman by Applicant as set forth in the Agreement are (1) a registration statement under the Securities Act of 1933 covering possible disposition of the share of Philip Morris to be acquired from Cullman by Applicant shall have been filed with the Commission and shall have become effective, the prospectus included therein to be kept current for 5 years following the closing date or until such earlier date as all such Philip Morris shares have been distributed to the public, and (2) the Bylaws of Applicant shall have been amended by shareholder vote to permit more than 5 percent of the total assets of Applicant to be invested in the securities of any one issuer to allow, among other things, for the acquisition of the aforesaid shares of Philip Morris.

As of April 30, 1972, the market value of the assets of Cullman to be delivered to Applicant was approximately $30,700,000. Applicant has no present intention of selling securities of Cullman immediately after the closing having a

market value on the closing in excess of 20 percent of the aggregate value of the gross assets of Cullman. Assuming that the closing under the Agreement had taken place on April 30, 1972, and without giving effect to the merger of Second Federal into Applicant, 305,655 shares of Federal would have been transferred to Cullman, or approximately 14.3 percent of the number of Federal shares outstanding immediately after such transfer. When the shares of Federal are received by Cullman, Cullman will distribute such shares to its shareholders in liquidation.

Applicant represents that neither Cullman nor any shareholder, officer, or director of Cullman is either an "affiliated person" of Applicant, or an "affiliated person" of any "affiliated person" of Applicant, and that the Agreement was negotiated at arms length by the principals of Cullman and Applicant.

Section 22(d) of the Act provides that registered open-end investment companies may sell their shares only at the current public offering price as described in the prospectus. Section 6(c) permits the Commission, upon application, to exempt a transaction if it finds that such an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than July 26, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GLADYS E. GREER,
Assistant Secretary.

[FR Doc.72-10618 Filed 7-11-72;8:46 am]

[File No. 500-1]

FIRST WORLD CORP.

Order Suspending Trading

JUNE 28, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the Class A and Class B common stock, $0.15 par value, of First World Corp. being traded otherwise than on national securities exchange is required in the public interests and for the protection of investors,

It is ordered, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 29, 1972, through July 8, 1972.

By the Commission.

[SEAL] GLADYS E. GREER,
Assistant Secretary.

[FR Doc.72-10617 Filed 7-11-72;8:46 am]

[File No. 2-25955(22-4332)]

HAWAIIAN ELECTRIC COMPANY, INC.

Notice of Application and Opportunity for Hearing

JUNE 30, 1972.

Notice is hereby given that Hawaiian Electric Co., Inc. (the applicant), has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the Act) for a finding by the Commission that the trusteeship of Bishop Trust Co., Ltd. (Bishop), under an indenture dated as of March 1, 1967 (the "67 Indenture"), which was heretofore qualified under the Act, and the trusteeship of the Bishop under an indenture dated March 1, 1948, of Maui Electric Co., Ltd. (Maui) (the "Maui Indenture"), which was not qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bishop from acting as trustee under both of the indentures.

Section 310(b) of the Act provides, in part, that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the section), it shall within 90 days after ascertaining that it has such conflicting interest either eliminate such conflicting interest or resign. Subsection (1) of this section provides, with certain exemptions, that a trustee is deemed to have a conflicting interest if it is acting as trustee under another indenture of the same obligor. However, pursuant to clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture or indentures under which other securities of such obligor are outstanding, if the issuer shall have sustained the burden of proving on application to the Commission, and after opportunity for hearing thereon, that trusteeship under a qualified indenture and another indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under any of such indentures.

The applicant states that:

1. Bishop is trustee under the trust indenture of applicant dated as of March 1, 1967, relating to Applicants' $7 million principal amount of 4⅛ percent Convertible Debentures (Applicant's Debentures) which has been qualified under the Act. The debentures are unsecured.

2. Bishop is trustee under the indenture of first mortgage and deed of trust of Maui dated March 1, 1948, heretofore referred to as the Maui Indenture.

3. The Maui Indenture has not been qualified under the Act and it is not intended to qualify the indenture under the Act.

4. On or before June 30, 1972, Maui will issue $3 million principal amount of its first mortgage bonds, Series G (the "Maui Series G Bonds"), under the Maui Indenture. The Maui Indenture is a secured indenture. Maui is a wholly owned subsidiary of applicant. The Maui Series G Bonds will be guaranteed by applicant under a guarantee agreement (Applicant's Guarantee Agreement), which provides that applicant guarantees the payment of principal and interest on the Maui Series G Bonds.

5. The $3 million principal amount of Maui Series G Bonds will not be registered under the Securities Act of 1933 because said bonds have been offered and will be sold to a limited number of institutional investors and said offering is an exempted transaction under section 4(2) of the Securities Act of 1933.

6. In the event Maui failed to pay interest on or principal of the Maui Series G Bonds, claims against the applicant on account of nonpayment of the Applicant's Debentures and claims under the Applicant's Guarantee Agreement would all be unsecured claims, ranking on a parity with each other and entitled to share pro rata in any distribution to unsecured creditors of applicant.

The applicant waives notice of hearing and waives hearing and waives all rights to specify procedure under the rules and practice of the Commission.

For a more detailed account of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the offices of the Commission at 500 North Capital Street, Washington, DC 20549.

Notice is further given that any interested person may, not later than July 27, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of law or fact raised by such 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.

At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

[SEAL] GLADYS E. GREER,
Assistant Secretary.

[FR Doc.72-10619 Filed 7-11-72;8:46 am]

[File No. 500-1]

INTER-ISLAND MORTGAGEE CORP.

Order Suspending Trading

JUNE 29, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value, of Inter-Island Mortgagee Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 4, 1972, through July 13, 1972.

By the Commission.

[SEAL] GLADYS E. GREER,
Assistant Secretary.

[FR Doc.72-10620 Filed 7-11-72;8:46 am]

[811-1894]

MAIN STREET FUND, INC.

Notice of Proposal To Terminate Registration

JULY 3, 1972.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 (Act), to declare by order upon its own motion that Main Street Fund, Inc., (Fund), 1305 Post Road, Fairfield, CT 06430, an open-end diversified management investment company registered under the Act, has ceased to be an investment company.

Fund registered under the Act on June 23, 1969. On June 28, 1972, Fund's registration statement filed under the Securities Act of 1933 was withdrawn. The Commission's records disclose that Fund has less than 25 shareholders. Accordingly, since Fund has less than 25 shareholders and does not now propose to make a public offering of its securities, Fund is excepted from the definition of an investment company as defined in the Act.

Section 8(f) of the Act provides in pertinent part, that when the Commission finds a registered investment company has ceased to be an investment company as defined in the Act, it shall so declare by order, and upon the effectiveness of such order, which may be issued upon the Commission's own motion when appropriate, the registration of such company shall cease to be in effect.

Notice is further given that any interested persons may, not later than July 24, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address set forth above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter may be issued by the Commission upon the basis of the information stated herein, unless an order for a hearing shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GLADYS E. GREER,
Assistant Secretary.

[FR Doc.72-10621 Filed 7-11-72;8:46 am]

[File No. 500-1]

MERIDIAN FAST FOOD SERVICES, INC.

Order Suspending Trading

JUNE 29, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of Meridian Fast Food Services, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 5, 1972, through July 14, 1972.

By the Commission.

[SEAL] GLADYS E. GREER,
Assistant Secretary.

[FR Doc.72-10622 Filed 7-11-72;8:46 am]

TARIFF COMMISSION

[337-L-52]

PASSENGER ENTERTAINMENT HEADSETS AND REPLACEMENT TIPS (STETHOSCOPES)

Notice of Complaint Received

The U.S. Tariff Commission hereby gives notice of the receipt on June 27, 1972, of a complaint under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) filed by Avid Corp., East Providence, R.I., alleging unfair methods of competition and unfair acts in the importation and sale of passenger entertainment headsets and replacement tips (stethoscopes) which are embraced within the claims of U.S. patents Nos. 3,539,031, 3,623,571, and Des. No. 222,144 owned by the complainant. The Instruments Systems Corp., 600 Madison Aveneu, New York, NY 10021, has been named as importer of the subject products.

In accordance with the provisions of § 203.3 of its rules of practice and procedure (19 CFR 203.3), the Commission has initiated a preliminary inquiry into the allegations of the complaint for the purpose of determining whether there is good and sufficient reason for a full investigation, and if so whether the Commission should recommend to the President the issuance of a temporary order of exclusion from entry under section 337(f) of the Tariff Act.

A copy of the complaint is available for public inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC 20436, and at the New York Office of the Tariff Commission located in room 437 of the Customhouse.

Information submitted by interested persons which is pertinent to the aforementioned preliminary inquiry will be considered by the Commission if it is received not later than August 28, 1972. Such information should be sent to the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C. 20436. A signed original and nineteen (19) true copies of each document must be filed.

Issued: July 7, 1972.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.72-10655 Filed 7-11-72;8:48 am]

VETERANS ADMINISTRATION

NEW VA HOSPITAL, LOMA LINDA, CALIF.

Notice of Availability of Final Environmental Impact Statement

Notice is hereby given that a document entitled "Final Environmental Statement, New 630-Bed Veterans Administration Hospital, Loma Linda, Calif.," issued pursuant to the Veterans Administration's implementation of section 102(2)(C) of the National Environmental Policy Act of 1969 is being placed in the following office:

Mr. Arthur W. Farmer, Assistant Chief Medical Director for Administration and Facilities (13), Room 600, Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420.

This project consists of a 510 bed medical, surgical, neurological, and psychiatric hospital and a 120-bed nursing home

care unit. This hospital will replace the beds lost through the earthquake destruction of the Veterans Administration Hospital at San Fernando, Calif. The site is one-half mile east of Loma Linda University Hospital. This statement discusses the environmental impact of our hospital in that location. Included with the statement are the comments received from Federal agencies on the draft statement of which notice of availability was published in the FEDERAL REGISTER dated February 1, 1972 (37 F.R. 2472), and the Veterans Administration's response to these comments.

The environmental impact statement, including the comments and the Veterans Administration's responses, will be furnished upon request addressed to the Assistant Chief Medical Director for Administration and Facilities (13) at the above address.

Dated: July 6, 1972.

By direction of the Administrator:

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.72-10693 Filed 7-11-72;8:51 am]

DEPARTMENT OF LABOR

Bureau of Labor Statistics

OFFICE OF ASSISTANT COMMISSIONER FOR OCCUPATIONAL SAFETY AND HEALTH STATISTICS

Notice of Variance From Recordkeeping Requirements

In accordance with section 6(e) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 655), and 29 CFR 1904.13(g), notice is hereby given that the American Telephone & Telegraph Co. (A.T. & T.) has been given permission to maintain certain records in a manner different from that set forth in 29 CFR Part 1904.

A.T. & T. has for many years kept records for its field operations on the basis of occupational groups subject to comparable hazard exposure and has appropriately petitioned for permission to continue this procedure contending that it provides the most useful statistics for the evaluation of accidents incurred by its employees and that conversion of its methods which apply to over 16,000 establishments to conform to the establishment basis required by 29 CFR Part 1904 would be unduly costly.

After carefully considering the petition the contentions contained therein have been determined to be well founded and it has therefore been granted.

The full petition is available for public inspection and copying at the Office of Occupational Safety and Health Statistics, Room 3818, 441 G Street NW., Washington, DC 20212.

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

THOMAS J. MCARDLE,
Assistant Commissioner for Occupational Safety and Health Statistics.

[FR Doc.72-10673 Filed 7-11-72;8:49 am]

INTERSTATE COMMERCE COMMISSION

[Notice 28]

ASSIGNMENT OF HEARINGS

JULY 7, 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 126373 Sub 3, James A Bonham, doing business as Bonham's Special Delivery, now assigned July 13, 1972, at Washington, D.C., is postponed indefinitely.

MC 129708 Sub 1, McRay Truck Line, Inc., now assigned July 14, 1972, at Louisville, Ky., hearing is postponed indefinitely.

MC-C 7069, Tolson Bros., a partnership, composed of George Tolson and Billy Tolson—Investigation of Operations and Practices, now being assigned continued hearing August 21, 1972 (2 days), at Oklahoma City, Okla., in a hearing room to be later designated.

MC 107818 Sub 56, Greenstein Trucking Co., now being assigned hearing August 24, 1972 (1 day), MC 111375 Sub 60, Pirkle Refrigerated Freight Lines, Inc., now being assigned hearing August 28, 1972 (1 week), MC 128256 Sub 10, O. W. Blosser, doing business as Blosser Trucking, now being assigned hearing August 25, 1972 (1 day), at Chicago, Ill., in hearing rooms to be later designated.

MC 115491 Sub 122, Commercial Carrier Corp., now assigned August 1, 1972, at Tampa, Fla., hearing is postponed to September 13, 1972, at Tampa, Fla., in a hearing room to be later designated.

MC 116073 Sub 215, Barrett Mobile Home Transport, Inc., application dismissed.

Ex Parte No. 270 Sub 1B, Investigation of Railroad Freight Rate Structure—Export-Import Rates and Charges, hearing continued July 10, 1972, will be held in the U.S. Tax Court Room, Room 1743, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC 110264 Sub 37, Albuquerque Phoenix Express, Inc., now being assigned hearing August 22, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 114211 Sub 168, Warren Transport, Inc., now assigned August 7, 1972, MC 118806 Sub 23, Arnold Bros. Transport, Ltd., now assigned August 7, 1972, MC 128988 Sub 19, Jo/Kel, Inc., now assigned August 4, 1972, at Minneapolis, Minn., will be held in Hearing Room No. 3, 6th Floor Federal Building, 110 South Fourth Street.

MC 134323 Sub 14, Jay Lines, Inc. Extension-Rockport, Mo., now assigned July 12, 1972, at St. Louis, Mo., is postponed indefinitely.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.72-10660 Filed 7-11-72;8:48 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 7, 1972.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42469—*Lumber and related articles from points in southern territory.* Filed by M. B. Hart, Jr., agent (No. A6314), for interested rail carriers. Rates on lumber and related articles, in carloads, as described in the application, from points in southern territory, to points in official (including Illinois Freight Association) territory.

Grounds for relief—Short-line distance formula and grouping.

Tariff—Southern Freight Association, Agent, tariff ICC S-1044. Rates are published to become effective on August 5, 1972.

FSA No. 42470.—*Class and commodity rates between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 665), for interested rail carriers. Rates on iron and steel articles, in carloads, as described in the application, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Intrastate rates and maintenance of rates from and to points in other States not subject to the same competition.

Tariff—Supplement 2 to Texas-Louisiana Freight Bureau, Agent, tariff ICC 1159. Rates are published to become effective on August 7, 1972.

FSA No. 42472—*Brewers' dried spent grains from and to points in southern and southwestern territories.* Filed by Southwestern Freight Bureau, Agent (No. B-326), for interested rail carriers. Rates on brewers' dried spent grains, in carloads, as described in the application, from specified points in Louisiana and Texas, to points in southern and southwestern territories.

Grounds for relief—Market competition, short-line distance formula and grouping.

Tariff—Supplement 163 to Southwestern Freight Bureau, Agent, tariff ICC 4819. Rates are published to become effective on August 10, 1972.

AGGREGATE OF INTERMEDIATES

FSA No. 42471—*Class and commodity rates between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 664), for interested rail carriers. Rates on chlorine, caustic soda, and iron and steel articles, in carloads and tank-car loads, as described in the application, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 2 to Texas-Louisiana Freight Bureau, Agent, tariff ICC 1159. Rates are published to become effective on August 7, 1972.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.72-10661 Filed 7-11-72;8:48 am]

[Notice 18]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 7, 1972.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC–1515 (Deviation No. 620) (Cancels Deviation No. 585), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, OH 44113, filed June 28, 1972. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction U.S. Highway 40 and Interstate Highway 70 at Pocahontas, Ill., over Interstate Highway 70 to junction U.S. Highway 41, thence over U.S. Highway 41 to Terra Haute, Ind., with the following access roads: (1) From Vandalia, Ill., over U.S. Highway 51 to junction Interstate Highway 70; (2) from Effingham, Ill., over U.S. Highway 40 and access road to junction Interstate Highway 70; and (3) from Effingham, Ill., over U.S. Highway 45 to junction Interstate Highway 70, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Terre Haute, Ind., over U.S. Highway 40 to junction Alternate U.S. Highway 40, thence over Alternate U.S. Highway 40, to Casey, Ill., thence over Alternate U.S. Highway 40 to junction U.S. Highway 40, thence over U.S. Highway 40 via Effingham Vandalia, Ill., to junction Interstate Highway 70 at Pocahontas, Ill., and return over the same route.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.72–10663 Filed 7–11–72;8:48 am]

[Notice 55]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 7, 1972.

The following publications[1] are governed by the new Special Rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 4405 (Sub-No. 496), filed July 5, 1972. Applicant: DEALERS TRANSIT, INC., 2200 East 170th Street, (Post Office Box 361), Lansing, IL 60438. Applicant's representative: Robert E. Joyner, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more, and related *machinery, tools, parts, and supplies* moving in connection therewith, restricted to commodities which are transported on trailers, (a) between points in California, on the one hand, and, on the other, points in Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming, and (b) between points in Oregon and Washington, on the one hand, and, on the other, points in Montana, Nevada, Utah, and Wyoming. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked via California, Nevada, or Arizona, to or through New Mexico and Texas, thence to Oklahoma, Kansas, Missouri, Nebraska, Colorado, Arkansas, Louisiana, Mississippi, Tennessee, Kentucky, South Carolina, North Carolina, Florida, Georgia, Virginia, West Virginia, Ohio, Indiana, and Michigan (and in reverse direction) as provided in MC 4405, Sub 403 with respect to the above states.

HEARING: July 24, 1972, at Room 9207, Federal Building, 450 Golden Gate Avenue, San Francisco, CA.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 121337 (Sub-No. 2), filed June 14, 1972. Applicant: J. MYRON WILLIAMS, INC., Post Office Box 23, Vaughnsville, OH 45893. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Vaughnsville, Ohio, and points within 8 miles thereof, on the one hand, and, on the other, points in Ohio. NOTE: This application is a matter directly related to MC–F–11582, published in the FEDERAL REGISTER issue of June 28, 1972. The instant application seeks to convert the certificate of registration of applicant under MC 121337 Sub-1 into a certificate of public convenience and necessity. Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passenger under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

No. MC–F–11208 (Supplemental) (LEASE PLAN FLEET CORP.—CONTROL—EVERETT LOWRANCE, INC.), published in the December 2, 1970, issue of the FEDERAL REGISTER on pages 18357 and 18358. This supplemental notice is to delete from the operating rights authorized the following authorities: that portion of the operating rights of Everett Lowrance, Inc., in No. MC–118159 (Sub-No. 44) authorizing the transportation of meats, meat products and meat byproducts and articles distributed by meat packinghouses, from the plantsite of Missouri Beef Packers, Inc., near Friona, Tex., to points in Ohio, and all of the operating rights in No. MC–118159 (Sub-No. 49) authorizing the transportation of candy and confectionery products, except in bulk, advertising materials and premium merchandise moving in mixed loads with candy and confectionery products except commodities in bulk, and materials and supplies used in the manufacture, sale, and/or distribution of candy and confectionery products, except commodities in bulk, and No. MC–118159 (Sub-No. 50), authorizing the transportation of new furniture and furniture parts, in boxes and packages.

No. MC–F–MC–F–11594. Authority sought for merger by PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Oakland, CA 94612, of the operating rights and property of RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, FL 32203, and for acquisition by INTERNATIONAL UTILITIES OF THE U.S., INC., 1500 Walnut Street,

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

Philadelphia, PA 19102, and INTERNATIONAL UTILITIES CORPORATION, The Wilmington Tower, Wilmington, Del. 19801, of control of such rights and property through the transaction. Applicants' attorneys: Roland Rice, 618 Perpetual Building, Washington, D.C. 20004, and H. Beatty Chadwick, 1500 Walnut Street, Philadelphia, PA 19102. Operating rights sought to be merged: *General commodities*, with certain specified exceptions, and numerous other specified commodities, as a *common carrier*, over regular and irregular routes, from, to, and between specified points in the States of Tennessee, Georgia, Alabama, Missouri, Ohio, Kentucky, Illinois, Indiana, Wisconsin, North Carolina, Virginia, Florida, South Carolina, Texas, Louisiana, Mississippi, Delaware, Maryland, Michigan, Missouri, New Jersey, New York, Pennsylvania, California, Rhode Island, Connecticut, Massachusetts, West Virginia, Arkansas, Iowa, Minnesota, New Hampshire, Vermont, Maine, and the District of Columbia, with certain restrictions, serving various intermediate and off-route points, over numerous alternate routes for operating convenience only, as more specifically described in Docket No. MC-2900 and Sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. PACIFIC INTERMOUNTAIN EXPRESS CO. holds authority from this Commission to operate from coast to coast. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11595. Authority sought for purchase by CENTRAL FREIGHT LINES, INC., 310 South 12th Street, Waco, TX 76703, of the operating rights of GLEN JOHNSON AND ROBERT H. JOHNSON, doing business as JOHNSON'S FREIGHT LINE, 539 East Goode Street, Quitman, TX 75783, and for acquisition by K. W. CALLAN, also of Waco, Tex. 76703, of control of such rights through the purchase. Applicants' attorney: Phillip Robinson, a professional corporation, Post Office Box 2207, Austin, TX 78767. Operating rights sought to be transferred: *General commodities*, excepting among others, high explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Tyler, and Winnsboro, Tex., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Texas. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11596. Authority sought for control by FREDERICK J. DURKIN AND JOHN C. DURKIN, JR., 6585 Kinne Road, Post Office Box 276, Dewitt, NY 13214, of (1) FOOD HAUL, INC., 1215 Rear West Mound Street, Columbus, OH 43223, (2) J. C. D. TRANSPORTATION CORP., 520 North Seventh Avenue, Scranton, PA 18503, and (3) FLEETWOOD TRANSPORTATION CORP., 6585 Kinne Road, Post Office Box 276, Dewitt, NY 13214. Applicant's attorneys: Roland Rice, 618 Perpetual Building, Washington, D.C. 20004, and J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Operating rights sought to be controlled: (1) *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, as a *contract carrier* over irregular routes, between points in Ohio and those parts of Pennsylvania, Maryland, West Virginia, and Kentucky within the territory bounded by a line beginning at Marlinton, W. Va., and extending in a southwesterly direction through Ronceverte, Hinton, and Mullens, W. Va., to Pikeville, Ky., and a defined area of Ohio, Pennsylvania, and West Virginia, with restriction; (2) between points in Chemung County, N.Y., on the one hand, and, on the other, points in a defined area of New York, Pennsylvania, between points within the territory bounded by a line beginning at Port Jervis, N.Y., and extending in a northeasterly direction through Wurtsboro, N.Y., to a defined area of New York and Pennsylvania; *fruits, vegetables, farm products, poultry, and sea food*, in the respective seasons of their production, from points in New York, New Jersey, and Pennsylvania, to points in the above-specified territory, with restriction; and (3) *such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses (except commodities in bulk), from Fleetwood, Pa., to points in Pennsylvania, New York, New Jersey, Maryland, Delaware, and the District of Columbia, with restriction. FREDERICK J. DURKIN AND JOHN C. DURKIN, JR., holds no authority from this Commission. However, they are affiliated with LONGYEAR'S EXPRESS, LTD., Post Office Box 146 (Manlius Center Road), East Syracuse, NY 13057, which is authorized to operate as a *common carrier* in New York and New Jersey. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11597. Authority sought for purchase by McKENZIE TANK LINES, INC., 122 Appleyard Drive, Tallahassee, FL 32302, of a portion of the operating rights of CAPITAL TRANSPORT COMPANY, INC., Post Office Box 408, McComb, MS, and for acquisition by W. GUY McKENZIE, also of Tallahassee, Fla., of control of such rights through the purchase. Applicant's attorneys: W. Guy McKenzie, Jr., Post Office Box 1200, Tallahassee, FL 32302, and Donald B. Morrison, Post Office Box 22628, Jackson, MS 39205. Operating rights sought to be transferred: *Petroleum products*, in bulk, in tank vehicles, as a *common carrier* over irregular routes, from Pensacola, Fla., to points in Alabama, from Pensacola, Fla., to points in a defined area of Mississippi; *petroleum and petroleum products*, in bulk, in tank vehicles, from Pensacola, Fla., and points within 10 miles thereof, except the plantsite of the Escambia Chemical Co., at Pace, Fla., to points in Mississippi; *petroleum naptha*, from Pensacola, Fla., to Jackson, Miss.; *gasoline*, in bulk, in tank vehicles, from Panama City, Fla., to Birmingham, Ala. Vendee is authorized to operate as a *common carrier* in all of the States in the United States (except Alaska and Hawaii). Application has not be filed for temporary authority under section 210a(b).

No. MC-F-11598. Authority sought for purchase by DAVIS TRANSPORT, INC., 1345 South Fourth Street, Paducah, KY 42001, of a portion of the operating rights of McRAY TRUCK LINE, INC., Bloomfield Road, Springfield, Ky. 40069, and for acquisition by WADE E. DAVIS, BERT JODY, JR., and WADE EDWARD DAVIS, all of Paducah, Ky. 42001, of control of such operating rights through the purchase. Applicants' attorney: H. S. Melton, Jr., Post Office Box 1407, Paducah, Ky. 42001. Operating rights sought to be transferred: *Fertilizer and fertilizer ingredients*, as a *common carrier* over irregular routes, from the plantsite of the Agricultural Products Division of W. R. Grace & Co., at New Albany, Ind., and the plantsite of Armour Fertilizer Works at Jeffersonville, Ind., to points in Kentucky, with restriction. Vendee is authorized to operate as a *common carrier* in Kentucky, Tennessee, Missouri, Illinois, Indiana, West Virginia, Ohio, Virginia, North Carolina, Georgia, Alabama, Mississippi, Arkansas, Louisiana, Iowa, Washington, Oregon, California, Idaho, Utah, Arizona, Montana, Wyoming, New Mexico, Nevada, North Dakota, South Dakota, Nebraska, Alaska, Hawaii, Michigan, Oklahoma, Pennsylvania, Wisconsin, and New York. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11599. Authority sought for purchase by HELMS MOTOR EXPRESS, INC., Post Office Drawer 700, Albemarle, NC 28001, of the operating rights and property of JULIUS M. FOX, doing business as FOX TRANSFER COMPANY, 613 South Oakland Street, Post Office Box 3625, Gastonia, NC 28052, and for acquisition by V. L. BURRIS, 4631 Easthaven Drive, Charlotte, NC 28212, of control of such rights and property through the purchase. Applicants' attorney: J. Ruffin Bailey, Post Office Box 2246, Raleigh, NC 27602. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-97873 (Sub-No. 1), covering the transportation of general commodities and property, as a common carrier, in interstate commerce, within the State of North Carolina. Vendee is authorized to operate as a common carrier in North Carolina. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.72-10664 Filed 7-11-72;8:48 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JULY 7, 1972.

The following applications for motor common carrier authority to operate in

intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Indiana Docket No. 6405–A, 3, filed June 6, 1972. Applicant: SCHNEPPER TRUCK LINE, INC., 1900 North Kentucky Avenue, Evansville, IN. Applicant's representative: Michael V. Gooch and Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, Ind. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *Property*, serving location of strip mine of Amax Coal Co., a division of American Metal Climax, Inc., approximately 4 miles north and 2 miles east of Stevenson, Inc. (Warrick County), as an off-route point in connection with applicant's route between Evansville, Ind., and Boonville, Ind. (PSCI 6512–A, 1) over U.S. Highway 460 (formerly Indiana Highway 62), and transport rejected shipments on return. Both intrastate and interstate authority sought.

HEARING: August 4, 1972, at 10 a.m., Room 903, State Office Building, Indianapolis, Ind. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Indiana Public Service Commission, 901 State Office Building, Indianapolis, Ind. 46204, and should not be directed to the Interstate Commerce Commission.

Oklahoma Docket No. MC 30232 (Sub-No. 1), filed June 13, 1972. Applicant: HAROLD L. MANNING, doing business as MANNING FREIGHT LINES, 200 East Garvin, Pauls Valley, OK. Applicant's representative: Glen Ham, Box 198, Pauls Valley, OK. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, from Oklahoma City over U.S. Highway 77 to Marietta, thence to Ardmore, thence over U.S. Highway 70 to Dickson, thence over State Highway 177 to Sulphur, thence over State Highway 7 to Davis, thence over U.S. Highway 77 to Oklahoma City, serving the points of Oklahoma City, Moore, Norman, Noble, Lexington, Purcell, Wayne, Paoli, Pauls Valley, Wynnewood, Davis, Springer, Ardmore, Overbrook, Marietta, Dickson, Baum, Nebo, Drake, and Sulphur. No points to be passed through and not served. Terminals to be at Oklahoma City, Pauls Valley, and Ardmore. Service to be on a daily basis. Mileage: 160. Both intrastate and interstate authority sought.

HEARING: July 31, 1972, time and place not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Oklahoma Corporation Commission, Oklahoma City, Okla. 73105 and should not be directed to the Interstate Commerce Commission.

California Docket No. A 53423, filed June 26, 1972. Applicant: SAGE TRANSPORTATION INCORPORATED, 507 Railroad Avenue, South San Francisco, CA 94080. Applicant's representative: E. H. Griffiths, 1182 Market Street, Suite 207, San Francisco, CA 94102. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities* as follows: Part I: Between the following points, serving all intermediate points on the said routes and all off-route points within 10 miles thereof: (1) Santa Rosa and San Jose on U.S. Highway 101; (2) San Francisco and San Jose on Interstate Highway 280; (3) San Rafael and San Jose on California Highway 17; (4) San Francisco and Sacramento on Interstate Highway 80; (5) Oakland and Stockton on U.S. Highway 50; (6) Santa Rosa and Lodi on California Highway 12; (7) Vallejo and Napa on California Highway 29; (8) Pinole and Stockton on California Highway 4; (9) Vallejo and San Jose on Interstate Highway 680; (10) Oakland and Concord on California Highway 24; (11) Sacramento and junction of California Highway 160 with California Highway 4 (near Antioch); (12) Sacramento and Modesto on U.S. Highway 99; (13) Sacramento and Woodland on Interstate Highway 5; (14) Davis and Woodland on California Highway 113; (15) Ignacio and Vallejo on California Highway 37, and (16) to and from and between all points and places located in San Francisco Territory as described in Part II set forth below, and points located within 10 miles of the boundaries of said territory. Through routes and rates may be established between any and all points specified in subparagraphs 1 through 15, above.

Alternate routes for operating convenience only, between points in California, serving no intermediate points except as otherwise authorized, over any and all highways within the State of California. Applicant shall not transport any shipments of: (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in Item No. 5 of Minimum Rate Tariff No. 4–B; (2) automobiles, trucks, and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses, and bus chassis; (3) livestock, viz.: Bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags, or swine; (4) liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles; (5) commodities when transported in bulk in dump trucks or in hopper-type trucks; (6) commodities when transported in motor vehicles equipped for mechanical mixing in transit; (7) logs; (8) fresh fruits and vegetables; (9) hay, fodder, and straw in machine-pressed bales, and (10) Portland or similar cements, in bulk or packages, when loaded substantially to capacity of motor vehicle.

Part II: San Francisco territory: Beginning at the foot of Market Street in the city and county of San Francisco; thence northerly and westerly along the shoreline of San Francisco Bay; thence westerly and southerly along the Pacific Ocean shoreline to the extension of Belcrest Avenue; easterly on Belcrest Avenue to Skyline Drive; northerly on Skyline Drive to Gateway Drive; easterly and southerly along Gateway Drive to Hickey Boulevard; easterly on Hickey Boulevard to Skyline Boulevard (SSR 35); southerly along Skyline Boulevard to Sharp Park Road; westerly on Sharp Park Road to Ysabel Drive; southerly on Ysabel Drive to its end; thence easterly in a direct line to the end of County Jail Road; southerly and easterly along County Jail Road and its extension Moreland Drive to College Drive; easterly along College Drive to Skyline Boulevard; southerly along Skyline Boulevard to Crystal Springs Road; easterly on Crystal Springs Road to the intersection of said road and Polhemus Road; thence southeasterly in a direct line to the intersection of Parrott Drive and Bel Aire Drive; thence southerly on Parrott Drive to Cheviott Drive, thence southwesterly in a direct line to the intersection of Haskins and East Laurel Creek Road; westerly on East Laurel Creek Road to Bartlett Way; thence westerly and southerly on Bartlett Way to Naughton Avenue; easterly on Naughton Avenue to Hillcrest Drive; southerly on Hillcrest Drive to Belmont Canyon Road; easterly and southerly on Belmont Canyon Road to Ralston Avenue; northwesterly on Ralston Avenue to Hallmark Drive; southerly on Hallmark Drive to the intersection at Wemberley Drive; thence southerly in a direct line to the end of Barbara Way; southerly on Barbara Way to Malabar Road;

Southerly on Malabar Road and along its extension Crestview Drive to Brittain Avenue; northeasterly along Brittain Avenue to Alameda De Las Pulgas; southeasterly on Alameda De Las Pulgas to Howard Avenue; westerly on Howard Avenue to Thornhill Drive; westerly and southerly along Thornhill Drive to De Anza Avenue; westerly on De Anza to Terrace Road; southerly on Terrace Road to Eaton Avenue; easterly on Eaton Avenue to Roland Way; southerly on Roland Way to Bromley Drive; southeasterly on Bromley Drive to its extension Clifford Avenue; easterly and northerly along Clifford Avenue to Eaton Avenue; easterly on Eaton Avenue to Alameda De Las Pulgas; southeasterly on Alameda De Las Pulgas to Whipple Avenue; southwesterly on

Whipple Avenue to Upland Road; westerly on Upland Road to Cordilleras Road; southerly on Cordilleras Road to Canyon Road; southerly and easterly along Canyon Road to Highland Avenue; westerly and southerly along Highland Avenue to Jefferson Avenue; southwesterly along Jefferson Avenue to Godetia Drive; thence westerly from the intersection at Jefferson Avenue and Godetia Drive to the end of Harcross Road; northeasterly on Harcross Road to Fernside Street; southeasterly on Fernside Street to Alameda De Las Pulgas; southeasterly on Alameda De Las Pulgas to Woodside Road; southwesterly on Woodside Road to Moore Road; easterly on Moore Road and its extension Reservoir Road to Walsh Road; northerly on Walsh Road to Alameda De Las Pulgas; southeasterly on Alameda De Las Pulgas to Santa Cruz Avenue; along Santa Cruz Avenue and its continuation Junipero Serra Boulevard to its end at Arastradero Road; easterly on Arastradero Road to Manuella Avenue; southerly along Manuella Avenue to Estacada Drive; easterly on Estacada Drive to Miranda Road; southerly on Miranda Road to Fremont Road; easterly on Fremont Road to Edith Road; easterly on Edith Road to West Edith Avenue;

Westerly on West Edith Avenue to Lincoln Avenue; southeasterly on Lincoln Avenue to University Avenue; southeasterly along University Avenue to Fremont Avenue; southerly and easterly on Fremont Avenue to Grant Road; southeasterly on Grant Road to Foothill Boulevard; southerly on Foothill Boulevard and its continuation Stevens Canyon Road to Mount Eden Road; southeasterly on Mount Eden Road to Pierce Road; southerly on Pierce Road to Congress Springs Road (SSR 9); easterly on Congress Springs Road and its continuation Big Basin Way to Sixth Street; southerly on Sixth Street to Bollman Road; southerly along Bollman Road to the intersection with Belnap Drive; thence easterly from said intersection in a straight line to the end of Bainter Avenue; easterly on Bainter Avenue to Ravine Road; northeasterly on Ravine Road to Austin Way; easterly on Austin Way to Lancaster Road; southerly on Lancaster Road to Ojai Drive; southerly along Ojai Drive to its intersection with Lucky Road; thence southeasterly in a direct line to the intersection of Greenwood Road and Withey Road; easterly along Withey Road to Hernandez Avenue; southerly and easterly on Hernandez Avenue to Wissahickon Avenue; southerly on Wissahickon Avenue to Live Oak Avenue; westerly on Live Oak Avenue to Madrone Avenue; southerly on Madrone Avenue to its end; thence southeasterly in a straight line to the intersection of Laurel Avenue and Manzanita Avenue; easterly on Manzanita Avenue to Oak Knoll Road; southerly along Oak Knoll Road to its end; thence southeasterly in a straight line to the end of Wood Road; easterly on Wood Road to Santa Cruz Avenue; southerly on Santa Cruz Avenue to San Jose-Los Gatos Freeway (SSR 17); northeasterly on the San Jose-Los Gatos Freeway to East Main Street; easterly on East Main Street to Alpine Avenue; southeasterly on Alpine Avenue to Foster Road; northerly on Foster Road to Johnson Avenue; southeasterly on Johnson Avenue to Grove Street;

Easterly and northerly on Grove Street and its extension, Phillips Avenue to South Kennedy Road; easterly on South Kennedy Road to Kennedy Road; thence northeasterly in a straight line to the intersection of Shannon Road and Shannon Heights Road; northwesterly on Shannon Heights Road to Shannon Road; easterly along Shannon Road to Hicks Road; northerly on Hicks Road to Kooser Road; northeasterly on Kooser Road and its extension, Downer Avenue to Snell Road; northerly on Snell Road to Chynoweth Avenue; easterly on Chynoweth Avenue to Monterey Road (SSR 32); southeasterly on Monterey Road to Bayshore Freeway (U.S. Highway 101); northwesterly on Bayshore Freeway to Tully Road; northeasterly on Tully Road to Quimby Road; southeasterly on Quimby Road to White Road; northwesterly on White Road to Penitencia Creek Road; easterly on Penitencia Creek Road to Piedmont Road; northwesterly on Piedmont Road to Sierra Road; southwesterly on Sierra Road to Morrill Road; northwesterly on Morrill Road to Cropley Avenue; southwesterly on Cropley Avenue to No. Capitol Avenue; northwesterly on No. Capitol Avenue to Trimble Road; southwesterly on Trimble Road to Nimitz Freeway (Interstate 680, SSR 17); northwesterly on Nimitz Freeway to the Santa Clara County Line; northeasterly along the Santa Clara County Line to Mission Peak; thence northerly in a direct line to the point where the Hetch Hetchy waterline intersects the P G and E powerline; thence westerly from said point in a straight line to the intersection of Interstate 680 (SSR 21) and Vargas Road; thence northwesterly along Vargas Road to Morrison Canyon Road; thence northwesterly in a straight line to the end of Old Niles Canyon Road; southeasterly along Old Niles Canyon Road to Niles Canyon Road; southeasterly along Niles Canyon Road to Mission Boulevard;

Northwesterly on Mission Boulevard (SSR 238) to Blanche Street; northeasterly on Blanche Street to Trevor Avenue; southeasterly on Trevor Avenue to Bernice Way; easterly and northerly on Bernice Way to Chicoine Avenue; northwesterly on Chicoine Avenue to MacDonald Way; northerly on MacDonald Way to its end; thence northwesterly in a direct line to the end of Faircliff Street; along Faircliff Street to Treeview Street; northwesterly on Treeview Street to its end; thence northwesterly in a direct line to Larrabee Street; northwesterly on Larrabee Street to Woodland Avenue; westerly on Woodland Avenue to Mission Boulevard; northwesterly on Mission Boulevard to Webster Street; easterly on Webster Street to East 17th Street; northerly on East 17th Street to Calhoun Street; westerly on Calhoun Street to Mission Boulevard; northwesterly on Mission Boulevard to Harder Road; easterly on Harder Road to its end; thence easterly in a straight line to the intersection of Grand View Avenue and Cotati Street; thence northeasterly on Cotati Street to Dobbel Avenue; northwesterly on Dobbel Avenue to Civic Avenue; northerly on Civic Avenue to Hayward Boulevard; northwesterly on Hayward Boulevard to Campus Drive; northeasterly and northwesterly on Campus Drive to Second Street; northwesterly on Second Street to E Street; easterly on E Street to Fifth Street; northerly on Fifth Street to D Street; easterly on D Street to Seventh Street; thence northeasterly in a straight line to the intersection of Templeton and Hill Avenues; easterly on Hill Avenue to Vermont Street; northerly on Vermont Street to B Street; easterly on B Street to Center Street; northerly on Center Street to the San Lorenzo Creek; easterly and northerly along the San Lorenzo Creek to U.S. Highway 50; westerly on U.S. Highway 50 to Center Street; easterly and northerly on Center Street to Seaview Avenue; westerly on Seaview Avenue to Redwood Road; northerly on Redwood Road to the San Leandro Creek; westerly along the northern shores of the San Leandro Creek and Lake Chabot to the northernmost tip of Lake Chabot;

Thence northerly in a straight line to the intersection of Grass Valley Road and Skyline Boulevard; thence northwesterly along Skyline Boulevard and its extension Grizzly Peak Boulevard to Golf Course Drive; northerly along Golf Course Drive to Shasta Road; easterly on Shasta Road to Wildcat Canyon Road; easterly along Wildcat Canyon Road to San Pablo Dam Road; northwesterly along San Pablo Dam Road to Road 20; northwesterly on Road 20 to Eastshore Freeway (Interstate 80); northerly on Eastshore Freeway to Hilltop Drive; westerly on Hilltop Drive to San Pablo Avenue; northerly on San Pablo Avenue to Atlas Road; northwesterly on Atlas Road to Rachel Road; northeasterly on Rachel Road to Christine Drive; northwesterly on Christine Drive to its end; thence northerly in a straight line to the shoreline of San Pablo Bay; westerly and southwesterly along the shoreline of San Pablo Bay; southeasterly along the shoreline of San Francisco Bay to Point Richmond; thence southerly along an imaginary line from Point Richmond to the foot of Market Street in the city and county of San Francisco, the point of beginning. Both intrastate and interstate authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the California Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, CA 94102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.72-10662 Filed 7-11-72;8:48 am]

[Notice 89]

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–73668. By order of June 29, 1972, the Motor Carrier Board approved the transfer to B & B Lines, Inc., Rhue Street, Ahoskie, N.C., of certificate No. MC–2788 issued October 11, 1941, to Brinkley Enterprises, Inc. (formerly Tayloe & Evans, Inc.), Ahoskie, N.C., authorizing the transportation of: General commodities, usual exceptions, and certain specified commodities, between specified points in Virginia and North Carolina.

No. MC–FC–73722. By order of June 30, 1972, the Motor Carrier Board approved the transfer to Mary Cook Callaghan, doing business as Callaghan's Express Co., Ansonia, Conn., of the operating rights in certificate No. MC–6440 issued June 17, 1958, to William E. Callaghan, doing business as Callaghan's Express, Ansonia, Conn., authorizing the transportation of household goods between points in New Haven County, Conn., on the one hand, and, on the other, points in Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island. John F. X. Androski, 156 Main Street, Ansonia, CT 06401, attorney for applicants.

No. MC–FC–73723. By supplemental order of July 6, 1972, the Motor Carrier Board approved the transfer to Vegas Trucking & Moving, Inc., Las Vegas, Nev., operating rights issued June 22, 1972, to V. J. Hunt, doing business as Vegas Trucking & Moving Co., Las Vegas, Nev., which in addition to other operating rights approved for transfer, authorizes the transportation of: General commodities, excluding household goods, commodities in bulk and other specified commodities, between Las Vegas, Nev., Beechers Corner, Freeman Junction and Baker, Calif., to specified points in California, as restricted. William J. Lippman, 1819 H Street NW., Washington, DC 20006, attorney for applicants.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.72–10665 Filed 7–11–72;8:48 am]

[Notice 93]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 6, 1972.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Sub-No. 410 TA), filed June 20, 1972. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, OH 44309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air compressors, air dampers, air compressor parts, thermostats, thermostat parts, aluminum die cast parts, sheet steel articles, machine parts* (iron, steel, or brass), *pressure tanks, electric motors, and copper tubing*, from the plantsite and warehouse facilities of the Johnson Service Co. located at or near Georgetown, Ky., to points in Alabama, Georgia, Kansas, Louisiana, Mississippi, North Carolina, South Carolina, Texas, Virginia, and Oklahoma. Restriction: Restricted against the transportation of commodities which because of size or weight require the use of special equipment, for 180 days. NOTE: Applicant intends to tack authority here applied for to other authority held by it in certificate MC 2202 and subs. Supporting shipper: Johnson Service Co., Post Office Box 544, Georgetown Assembly Plant, Georgetown, KY 40324. Send protests to: Robert P. Amerine, Acting District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 11185 (Sub-No. 128 TA), filed June 19, 1972. Applicant: J–T TRANSPORT COMPANY, INC., 3501 Manchester Trafficway, Kansas City, MO 64129. Applicant's representative: Warren A. Goff, Joyner, Goff & Sims, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Expanded polystyrene insulation, laminated or unlaminated, and materials and supplies* used in the installation thereof, from Wichita, Kans., to points in Arkansas, Colorado, Iowa, Missouri, Nebraska, and Oklahoma, for 180 days. Supporting shipper: Construction Products Division, W. R. Grace & Co., 62 Whittemore Avenue, Cambridge, MA 02140. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 61592 (Sub-No. 271 TA), filed June 19, 1972. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Post Office Box K, Bettendorf, IA 52722. Applicant's representative: Bob Jenkins (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Fresh or frozen dressed poultry, poultry products, and frozen foods;* and (b) *commodities* the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property when moving in the same vehicle at the same time with (a) above, from the plantsite and storage facilities of Louis Rich Foods, Inc., West Liberty, Iowa, to points in Delaware, Connecticut, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, and the District of Columbia, for 180 days. Supporting shipper: Louis Rich Foods, Inc., West Liberty, Iowa 52776. Send protests to: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 83835 (Sub-No. 93 TA), filed June 23, 1972. Applicant: WALES TRANSPORTATION, INC., Post Office Box 6168, Dallas, TX 75222. Applicant's representative: Marvin J. McDonald, Post Office Box 6168, Dallas, TX 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Leaf springs*, from Miami, Okla., to points in Alabama, Indiana, Kansas, Louisiana, Missouri, Mississippi, Nebraska, Ohio, Oregon, Texas, and Wisconsin, for 180 days. Supporting shipper: Steelcraft, Inc., 505 30th Avenue NW., Miami, OK 74354. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 88300 (Sub-No. 29 TA), filed June 19, 1972. Applicant: DIXIE TRANSPORT CO., Post Office Box 395, Chicago Heights, IL 60411. Applicant's representative: Charles W. Singer, 2440 East Commercial Boulevard, Fort Lauderdale, FL 33308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, from Jacksonville, Fla., to points in North Carolina and South Carolina, for 180 days. Supporting

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

shippers: Fiat-Roosevelt Motors, Inc., 532-40 Sylvan Avenue, Englewood, NJ 07632, Mazda Motors of Florida, Inc., 7401 Phillips Highway, Jacksonville, FL 32216, Nissan Motor Corp. in United States, 18501 South Figueroa, Carson, CA 90247, Volkswagen Southeastern Distributors, Inc., Post Office Box 2274, 155 and 21st Street, Jacksonville, FL 32203. Send protests to: District Supervisor Robert G. Anderson, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 102567 (Sub-No. 150 TA), filed June 22, 1972. Applicant: EARL GIBBON TRANSPORT, INC., 4295 Meadow Lane, Post Office Drawer 5357, Bossier City, LA 71010. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum wax*, in bulk, in tank vehicles, from Chaison, Beaumont, Tex., to points in Illinois and Indiana, for 180 days. Supporting shipper: Mobil Oil Corp., Post Office Box 900, Dallas, TX 75221. Send protests to: District Supervisor, Bureau of Operations, Interstate Commerce Commission, Federal Building, 701 Loyola Avenue, New Orleans, LA 70113.

No. MC 103993 (Sub-No. 719 TA), filed June 21, 1972. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Carter County, Okla., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Space Corp., Dallas, Tex. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 106748 (Sub-No. 9 TA), filed June 22, 1972. Applicant: GODDARD'S TRANSPORTATION, INC., Post Office Box 185, Fair Haven, VT 05743. Applicant's representative: John P. Monte, 61 Summer Street, Barre, VT 05641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed, ground, and broken limestone* in dump vehicles, from points in Rutland County, Vt., to points in Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Rhode Island, for 90 days. Supporting shipper: Vermarco Ground Products, Division of Vermont Marble, Proctor, Vt. Send protests to: District Supervisor Martin P. Monaghan, Jr., Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, VT 05602.

No. MC 109462 (Sub-No. 19 TA), filed June 20, 1972. Applicant: LUMBER TRANSPORT, INC., Post Office Box 6181, Fort Smith, AR 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, tubing, conduit, valves and fittings, compounds, joint sealer, bonding cement, primer, coating, thinner, and hand tools* used in the installation of such products (except commodities in bulk in tank vehicles) from Burns Flat, Okla., to points in the United States (except points in Alaska and Hawaii), for 180 days. Supporting shipper: Western States Plastics Corp., Post Office Box 350, Burns Flat, OK. Send protests to: District Supervisor, William H. Land, Jr., Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 109689 (Sub-No. 235 TA), filed June 15, 1972. Applicant: W. S. HATCH CO., 643 South 800 West Street, Woods Cross, UT 84087, Post Office Box 1825, Salt Lake City, UT 84110. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, UT 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium bicarbonate*, in bulk and packages, from Rock Springs, Wyo., to points in Arizona, California, Oregon, Washington, and Texas, for 180 days. Supporting shipper: Church & Dwight Co., Inc., 1416 Willis Avenue, Drawer No. 751, Syracuse, NY 13201 (Robert B. Voegele, Traffic Manager). Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, Salt Lake City, Utah 84111.

No. MC 109689 (Sub-No. 236 TA), filed June 15, 1972. Applicant: W. S. HATCH CO., 643 South 800 West Street, Woods Cross, UT 84087, Post Office Box 1825, Salt Lake City, UT 84110. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, UT 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diatomaceous earth*, in bulk and packages, from Quincy, Wash., to points in Sweetwater County, Wyo., for 180 days. Supporting shipper: Witco Chemical Corp., 277 Park Avenue, New York, NY 10017 (A. J. Zazzarino, General Traffic Manager). Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, Salt Lake City, Utah 84111.

No. MC 111729 (Sub-No. 349 TA), filed June 19, 1972. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, records, audit and accounting media of all kinds*, (a) between Oak Brook, Ill., and Madison, Wis.; (b) between Quantico, Va., on the one hand, and, on the other, Albany, Ga.; Beaufort and Parris Island, S.C.; Cherry Point and Jacksonville, N.C.; and Philadelphia, Pa.; (c) between Bird International Airport, Richmond, Va., and Quantico, Va., having an immediately prior or subsequent movement by air; and (d) between Tiffin, Ohio, and Fort Wayne, Ind., for 180 days. Supporting shippers: McDonald System, Inc., 2111 Enco Drive, Oak Brook, IL 60521; Marine Corps Exchange Fund, Headquarters U.S. Marine Corps, Washington, D.C. 20380; ExCel Wire and Cable Co., 108 Elm Avenue, Post Office Box D, Tiffin, OH 44883. Send protests to: Thomas W. Hopp, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 112750 (Sub-No. 288 TA), filed June 22, 1972. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, written instruments, and business records* (except currency and negotiable securities) as are used in the business of banks and banking institutions, (a) between Huntington, W. Va., on the one hand, and, on the other, points in Gallia, Lawrence, and Scioto Counties, Ohio; and Boyd, Carter, Floyd, Greenup, Johnson, Lawrence, Magoffin, Martin, and Pike Counties, Ky.; (b) between Louisville, Ky., on the one hand, and, on the other, Jacksonville, Miami, Orlando, and Tampa, Fla., Atlanta, Ga., Chicago, Ill., Cambridge, Mass., Royal Oak, Mich., St. Louis, Mo., Omaha, Nebr., Raleigh, N.C., Jericho, Lake Success, and New York, N.Y., Pittsburgh, Pa., Dallas, Tex., and Milwaukee, Wis., for 180 days. Supporting shippers: The First Huntington National Bank, Post Office Box 179, Fourth and 10th Streets, Huntington, WV 25707; First National Bank of Louisville, Post Office Box 1019, Louisville, KY 40201. Send protests to: Thomas W. Hopp, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

No. MC 115215 (Sub-No. 18 TA), filed June 20, 1972. Applicant: NEW TRUCK LINES, INC., 500 West Hampton Springs Avenue, Perry, FL 32347. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products, plasterboard, joint treatment products and materials, supplies and products* used in the installation, application, and distribution of such commodities, between Jacksonville, Fla., on the one hand, and, on the other, points in Georgia and South Carolina, for 90 days. Supporting shipper: United States Gypsum Co., Post Office Box 50073, Atlanta, GA 30302. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 115322 (Sub-No. 87 TA), filed June 19, 1972. Applicant: REDWING REFRIGERATED, INC., Post Office Box 1698, 2939 Orlando Drive, Sanford, FL 32771. Applicant's representative: James E. Wilson, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, DC 20004.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, except in bulk, from ports of entry at the United States-Canadian border at or near Houlton, Bridgewater, Fort Fairfield, and Van Buren, Maine, Buffalo, N.Y., and Detroit, Mich., to points in Illinois, Indiana, Michigan, Ohio, Pennsylvania, New Jersey, Delaware, Maryland, West Virginia, Virginia, North Carolina, South Carolina, Kentucky, Tennessee, Georgia, Florida, and New York, and the District of Columbia, for 180 days. Supporting shipper: McCain Foods, Ltd., Florenceville, New Brunswick, Canada. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 121273 (Sub-No. 2 TA), filed June 20, 1972. Applicant: MCCORMACK TRANSPORTATION COMPANY, INCORPORATED, 121 North Story, Post Office Box 225, Rock Rapids, IA 51246. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* except those of unusual value, and except dangerous explosives, household goods 17 M.C.C. 467, commodities in bulk or commodities requiring special equipment, between Sioux Falls, S. Dak., and Spirit Lake, Iowa, over Highway No. 9, serving on and off-route points, all in Iowa of: Larchwood, Lester, Inwood, Alvord, Doon, George, Little Rock, Rock Rapids, Sibley, Allendorf, Matlock, Ritter, Ashton, Cloverdale, Melvin, Harris, Ocheyedan, Montgomery, Milford, Lake Park, Fostoria, Arnolds Park, Okoboji, and Spirit Lake, Iowa, and between Sioux City, Iowa, and commercial zone thereof over Highway No. 75 to junction of Highway No. 75 and Highway No. 9 to Larchwood, Iowa, and Spirit Lake, Iowa, serving all above named off-route points, for 180 days. NOTE: Applicant states it does intend to interline at Sioux Falls, S. Dak., and at Sioux City, Iowa. Supporting shippers: Carvers, Inc., Spirit Lake, Iowa; Warren Supply Co., Sioux Falls, S. Dak.; Sioux Falls Paint and Glass Co., Sioux Falls, S. Dak. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 124796 (Sub-No. 98 TA), filed June 19, 1972. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Salt Lake Avenue, Post Office Box 1257, City of Industry, CA 91747. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Air-conditioning equipment, furnaces, water-heaters, and component parts and accessories therefor*, for the account of Carrier Corp., from the warehouse and distribution facilities utilized by Carrier Corp. at or near Smyrna, Tenn., to points in the United States (except Alaska and Hawaii). Restriction: The authority sought herein is to be restricted against the transportation of commodities which by reason of size or weight require the use of special equipment and is to be further restricted to traffic which originates at the facilities utilized by Carrier Corp. at or near Smyrna, Tenn., and will be limited to a transportation service to be performed under a continuing contract or contracts, with Carrier Corp., for 180 days. Supporting shipper: Carrier Air Conditioning Co., Carrier Parkway, Syracuse, N.Y. 13201. Send protests to: John E. Nance, OIC, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 125996 (Sub-No. 28 TA), filed June 21, 1972. Applicant: ROAD RUNNER TRUCKING, INC., Post Office Box 37491, 7728 F Street, Omaha, NE 68127. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal food*, both canned and dry bagged, and *advertising matter, premiums, and display material* when shipped in the same vehicle with animal food, from Vernon, Calif., to points in Missouri, Kansas, Iowa, Illinois, Nebraska, and Minnesota, for 180 days. Supporting shipper: Kal Kan Foods, Inc., 3386 East 44 Street, Vernon (Los Angeles), CA. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Building, Omaha, Nebr. 68102.

No. MC 126276 (Sub-No. 68 TA), filed June 16, 1972. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, IL 60463. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers*, from the plantsite of Crown Cork & Seal Co., Inc., at Atlanta, Ga., to Houston, Tex., for 180 days. Supporting shipper: Crown Cork & Seal Co., Inc., 3501 West 31st Street, Chicago, IL. Send protests to: District Supervisor Robert G. Anderson, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 126372 (Sub-No. 11 TA), filed June 19, 1972. Applicant: SUREFINE TRANSPORTATION CO., 1925 East Vernon Avenue, Los Angeles, CA 90058. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, uncrated, from points in Salt Lake County, Utah, on the one hand, and, on the other, points in Idaho, the above commodities to be returned to point of origin when defective, credit or for repair, for 180 days. Supporting shippers: Sears, Roebuck and Co., Post Office Box 3021, T.A. Los Angeles, CA 90051; Serta Mattress Co., Post Office Box 783, 336 South Fourth Street, Salt Lake City, UT 84111. Send protests to: John E. Nance, OIC, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 Los Angeles Street, Los Angeles, CA 90012.

No. MC 126956 (Sub-No. 6 TA), filed June 21, 1972. Applicant: NORTHLAND TRANSPORT, INC., 1803 42d Avenue East, Superior, WI 54884. Applicant's representative: Robert D. Gisvold, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen pies*, from Traverse City, Mich., and its commercial zone to points in Upper Peninsula of Michigan; Minnesota; Fargo, N. Dak., Sioux Falls and Huron, S. Dak., and that part of Wisconsin lying on or north of State Highway 23 and U.S. Highway 16 connecting Sheboygan and La Crosse, Wis., for 180 days. Supporting shipper: Chef-Pierre, Inc., Post Office Box 544, Traverse City, MI 49684. Send protests to: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 128383 (Sub-No. 16 TA), filed June 22, 1972. Applicant: PINTO TRUCKING SERVICE, INC., 1219 Morris Street, Philadelphia, PA 19148. Applicant's representative: James W. Patterson, 123 South Broad Street, Philadelphia, PA 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk), having a prior or subsequent movement by air, between John F. Kennedy International Airport and La Guardia Airport, New York, N.Y., and Newark Airport, Newark, N.J., on the one hand, and, on the other, Adams, Allegheny, Berks, Carbon, Cumberland, Dauphin, Erie, Franklin, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Washington, Wyoming, and York Counties, Pa., for 180 days. Supporting shippers: Outlander Group, Ltd., Coplay, Pa., Taub, Hummel & Schnall, Inc., New York, N.Y., N.Y. Redbird Inc., Jamaica, N.Y., Trans-World Shipper Corp., Jamaica, N.Y., I.T.C. Compu-Customs Corp., Jamaica, N.Y., W. Mercer & Co., Inc., Jamaica, N.Y., Beacon Shipping Co., Inc., New York, N.Y., Bruce Duncan Co., Inc., Jamaica, N.Y., Ira Furman & Co., Inc., New York, N.Y., Bor-Air Freight Co., New York, N.Y., Rohner, Gehrig & Co., Inc., New York, N.Y. Send protests to: Peter R. Guman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 136307 (Sub-No. 2 TA), filed June 22, 1972. Applicant: BURKEWITZ TRANSPORT, INC., Post Office Box 47, Coventry, VT 05825. Applicant's representative: Frederick T. O'Sullivan, 622 Lowell Street, Peabody, ME 01960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets*, from East Burke, Vt., to points in New Hampshire, Massachusetts, Connecticut, and New York, for 180 days. Supporting shipper: Monarch Lumber Company of Vermont, Box 77, East Burke, VT 05832. Send protests to: District Supervisor Martin P. Monaghan, Jr., Interstate Commerce Commission, Bureau of Operations, 52

State Street, Room 5, Montpelier, VT 05602.

No. MC 136747 (Sub-No. 1 TA) (Correction), filed May 31, 1972, published in the FEDERAL REGISTER issue of June 21, 1972, corrected and republished in part as corrected this issue. Applicant: GLENARA LTD., 3019 37th Street, Long Island City, NY 11103. Applicant's representative: Arthur J. Piken, 1 Lefrak City Plaza, Flushing, NY 11368. NOTE: The purpose of this partial republication is to set forth the correct spelling of the origin point as Ridgefield Park, N.J., in lieu of Richfield Park, N.J., shown erroneously in previous publication. The rest of the application remains as previously published.

No. MC 136776 (Sub-No. 1 TA), filed June 20, 1972. Applicant: HAROLD SPAETH TRUCKING, 987 Birchwood Drive, West Bend, WI 53095. Applicant's representative: Harold Spaeth (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Butter*, from town of Jackson, Wis., to Chicago, Ill., for 180 days. Supporting shipper: Level Valley Dairy Co., West Bend, Wis. 53095. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.72-10666 Filed 7-11-72;8:49 am]

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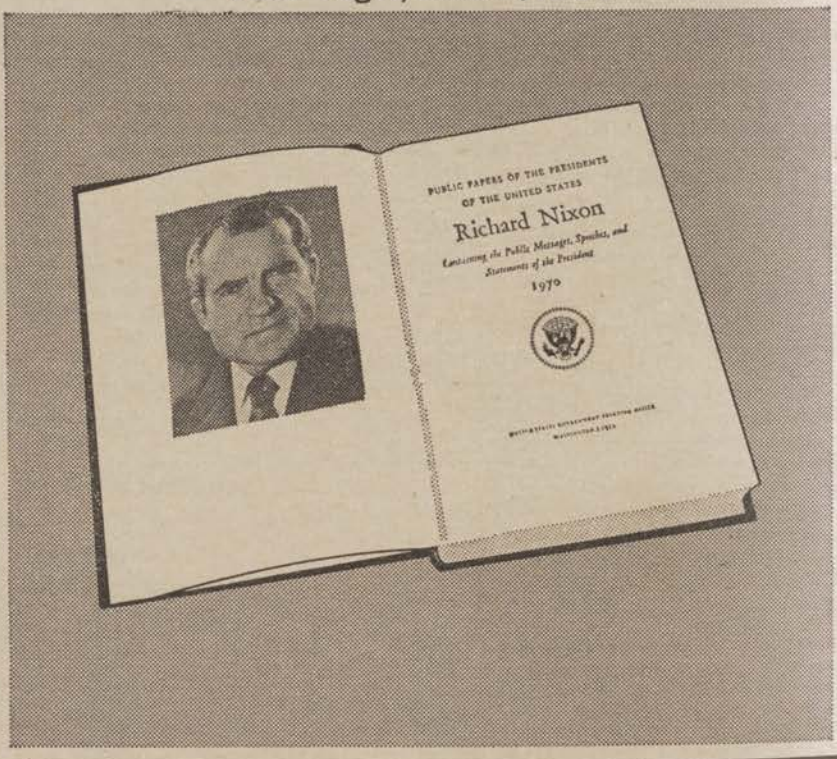

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